SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
Promoting the wise use of land - Helping to build great communities

February 23, 2016

RRM Design Group
Attn: Victor Montgomery
3765 South Higuera Street Suite #102
San Luis Obispo, CA 93401

Janneck Limited
1124 Tower Rd.
Beverly Hills, CA 90210

SUBJECT: **APPEAL OF LAETITIA AGRICULTURAL CLUSTER**
COUNTY FILE NUMBER: SUB2003-00001 / DRC2003-00001
HEARING DATE: FEBRUARY 11, 2016

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter will be scheduled for public hearing before the Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

Nicole Retana

Nicole Retana, Secretary
County Planning Department

CC: Brian Pedrotti, Project Manager
Steve McMasters, Supervising Planner
Whitney McDonald, County Counsel

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • TTY/TDD RELAY - 711
planning@co.slo.ca.us • FAX: (805) 781-5624 • http://www.slocounty.ca.gov/planning.htm

#913

INLAND APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: Laetitia Agricultural Cluster (Tentative Tract Map and Conditional Use Permit) File Number: SUB 2003-00001 and DRC 2003-00001

Type of permit being appealed:

☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☒ Development Plan/Conditional Use Permit

☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☒ Other: Vesting Tentative Tract Map

The decision was made by:

☐ Planning Director (Staff) ☐ Building Official ☐ Planning Department Hearing Officer

☐ Subdivision Review Board ☒ Planning Commission ☐ Other _____

Date the application was acted on: February 11, 2016

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access

☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

Appeal of the Planning Commission's denial of the application for a Vesting Tentative Tract Map and Conditional Use Permit.

See Attached.

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

Because project was denied, no conditions were approved and thus, no conditions to appeal.

APPELLANT INFORMATION

Print name: Janneck, Limited (Mr. John Janneck); RRM Design Group (Mr. Victor Montgomery)

Address: 1124 Tower Road, Beverly Hills, CA 90210; 3765 South Higuera Street, Suite 102, San Luis Obispo, CA 93401

Phone Number (daytime): (805) 543-1794

We have completed this form accurately and declare all statements made here are true.

Signature _____ Date 2/23/2016

OFFICE USE ONLY
Date Received: 2/23/2016 By: KAD
Amount Paid: $850.00 Receipt No. (if applicable): _____

INLAND APPEAL FORM (Additional Sheet)

Project Name: Janneck, Limited Laetitia Agricultural Cluster

File Number: SUB2003-00001 and DRC2003-00001

BASIS FOR APPEAL (cont'd): The project applicant appeals the Planning Commission's denial of the application for a vesting tentative tract map and conditional use permit because the grounds stated as the reasons for denial are not supported by the administrative record or the environmental impact report for the project.

The Planning Commission expressed general support for the project and lauded its design but ultimately disapproved the project on two grounds. First, the Commission stated a lack of water for the project. However, both the applicant's hydrogeologist (Cleath-Harris Geologists) and the independent hydrogeologist hired by the County of San Luis Obispo (Geosyntec) concluded that the proposed wells for the project would provide more than adequate water for the project's estimated water demand. The environmental impact report concluded that there were no Class I impacts associated with water supply for the project. The Commission's decision was not supported by substantial evidence in the record.

Second, the Commission found that the project did not have adequate emergency access. The administrative record demonstrates that the existing property has access rights to Highway 101 from Laetitia Vineyard Drive (Drive) vis-à-vis a 1955 grant deed with the State of California and thus legal use of the Drive for all uses. The applicant is not seeking any approvals from Caltrans for use of the Drive, and therefore, Caltrans has no jurisdiction over this matter. Moreover, the applicant satisfied the requirements of Cal Fire by agreeing to a no-notice gate to allow free-flow egress to the Drive during an emergency while stationing a 24-hour per day, 7 days per week, 365 days per year guard to prohibit all other non-emergency trips.

The applicant asks the Board of Supervisors to reverse the Planning Commission's denial of the Vesting Tentative Tract Map and Conditional Use Permit and asks the Board of Supervisors to approve the Applicant Proposed Mitigated Project Alternative, as described and analyzed in the environmental impact report and as shown in the revised Vesting Tentative Tract Map dated August 20, 2015.

San Luis Obispo County Department of Planning and Building
County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 22201500000000002389

Date: 02/23/2016

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee - PDA -4350106	1420000-1000000000-142S23	850.00
				Line Item Total:	**$850.00**

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	RRM DESIGN GROUP		90312		In Person	850.00
					Payment Total:	**$850.00**
					Balance	

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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MEMORANDUM

DATE: February 23, 2016

TO: WHITNEY MCDONALD, COUNTY COUNSEL

FROM: NICOLE RETANA, PLANNING and BUILDING DEPARTMENT

RE: **APPEAL OF LAETITIA AGRICULTURAL CLUSTER**
COUNTY FILE NUMBER: SUB2003-00001 (DRC2003-00001)
PLANNING COMMISSION – FEBRUARY 11, 2016

Please find attached copies of associated correspondence which have been forwarded to the Project Manager and Supervisor.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
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KRONICK
MOSKOVITZ TIEDEMANN & GIRARD

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Sacramento, CA 95814

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Mona G. Ebrahimi
mebrahimi@kmtg.com

May 2, 2016

VIA E-MAIL AND U.S. MAIL

Brian Pedrotti
Project Manager
San Luis Obispo County, Dept. of Planning
and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: Appeal of Laetitia Agricultural Cluster County File Number: SUB2003-00001/DRC2003-000001

Dear Mr. Pedrotti:

You have requested that the project applicant of the Laetitia Agricultural Cluster Project ("Project") provide staff with any new information pertaining to the issues which the applicant is appealing pertaining to the denial of the Project by the Planning Commission. While the applicant has presented robust evidence in the record to support the applicant's position, attached are clarification sheets to support the approval of the Project. Also enclosed, for your convenience, are six copies of the Vesting Tentative Tract Map dated August 20, 2015, which the applicant is asking the Board of Supervisors to approve. Therefore, the applicant is providing copies of the map so you can distribute them to the Board of Supervisors.

The Planning Commission findings indicate denial of the Project on three primary bases: (1) **water** – based on the alleged "uncertainty regarding the fractured bedrock water source"; (2) **secondary access/Cal Fire** – based on the conclusion that the Project does "not meet the requirements of Public Resources Code 4290 (California Fire Code)" because it does "not provide unimpeded secondary access for the subdivision"; and (3) **emergency secondary access/Caltrans** – based on the conclusion that if the Project uses Laetitia Vineyard Drive other than as intended by the Project, it would create "an increased safety risk," and based on the understanding that the California Department of Transportation has stated that "use of Laetitia Vineyard Drive for unimpeded secondary access is not allowed."

As described in the Project applicant's appeal form, and as more fully addressed in the enclosed papers, the grounds identified in the findings as the reasons for denial are not supported by the administrative record or the environmental impact report ("EIR") for the Project. First, regarding water, all of the experts that were consulted regarding the adequacy of the Project's water supply agree that the proposed water supply for the Project is more than sufficient to meet the Project's water demand. Further, the EIR concludes that the Project will not result in *any* significant impacts on water resources. Second, regarding secondary access, the California Fire Code *does not* require the Project to provide unimpeded secondary access

for the subdivision. The California Fire Code only requires the Project to provide secondary access for *emergency* access purposes, which may be in the form of a guarded gate, as proposed for the Project and as accepted by Cal Fire and analyzed in the EIR. Third, regarding alleged safety risks with the Project's use of the Laetitia Vineyard Drive, the Project will not increase use of the Laetitia Vineyard Drive because the Project proposes to use the Drive solely in the event of an emergency situation, in which case, use of the Drive will help ensure the safety and welfare of the Project's residents. Thus, rather than increase safety risk, the Project's proposed use of the Laetitia Vineyard Drive for emergency use only will help promote safety. The Applicant will address each of the topics in further detail at the hearing before the Board of Supervisors.

While the Applicant's team has worked expeditiously to provide you these materials well in advance of the Board hearing, we reserve the right to respond to comments or documents submitted to the County between now and the date of the hearing. We also reserve the right to submit and present additional information to the Board in support of the Project.

Additionally, please note that while it is our understanding that the Board of Supervisors will be provided with copies of all documents that were previously submitted by the applicant, consider this a formal request that the Board does in fact receive our previous comment letters and submissions prior to the date of the hearing.

Respectfully,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

MONA G. EBRAHIMI

Enclosures
(1) Topic Paper Re Water Supply
(2) Topic Paper Re Secondary Access Requirements & Cal Fire
(3) Topic Paper Re Use of Laetitia Vineyard Drive for Secondary Access Limited to Emergency Use Only & Caltrans
(4) Copies of Vesting Tentative Tract Map dated August 20, 2015

cc: James Bergman, Planning Director (via e-mail)

ATTACHMENT 1

Laetitia Agricultural Cluster Project Topic Paper

Topic: Water Supply

I. Planning Commission Relevant Findings for Denial

The Planning Commission found:

Alleged Uncertainty Regarding Water Source: "Due to uncertainty regarding the fractured bedrock water source, particularly during long-term drought conditions" the proposed project is not consistent with certain policies and regulations regarding residential and agricultural water supplies.

II. Record Evidence and Environmental Impact Report Refute Planning Commission Findings

Record evidence and the environmental impact report demonstrate:

A. Experts Agree And EIR Concludes There Is Sufficient Water Supply For the Project:

(1) **Water Experts Agree Water Supply Is More Than Adequate** – The Project proposes to use four wells (Wells 10, 11, 14, and 15) located within fractured bedrock aquifers for domestic water supply. The Project applicant's hydro-geologist expert, Cleath-Harris Geologists, conducted cyclic well testing in 2009-2010 and calculated an estimated sustainable yield that equated to 191% of Project demand. The County's independent hydro-geologist expert, Geosyntec Consultants, conducted a peer review of the well and sustainable yield testing. Geosyntec estimated an "Optimized Conservative Estimated Sustainable Yield" that equates to 135% of the Project's estimated water demand (62.4 afy compared to 46.3 afy). (EIR at V.P.-28.) The Planning Commission's adopted finding regarding uncertain water supplies is not supported by record evidence and is inconsistent with the water experts' estimates of sustainable yield for the Project wells.

(2) **EIR Concludes No Significant Water Impacts** – Based on the expert analyses of water supply, the EIR concludes that "the proposed water source is adequate to serve the project because the estimated project demand (46.3 afy) is less than the estimated sustainable yield (62.4 afy) for Wells 10, 11, 14, and 15." (EIR at V.P.-34.) The EIR concludes that "the project's effect on water supply would be considered *less than significant with mitigation*, Class II." (EIR at V.P.-43.)

B. 2015 Testing Confirms More Than Adequate Water Supply Even in Long-Term Drought:

(1) **Recent Pump Tests Performed During Long-Term Drought** – At the request of the Planning Commission, the Project applicant's hydro-geologist, Cleath-Harris, performed additional well pump tests in September-October of 2015, in the midst of a multi-year drought. The pump tests were performed on the four Project wells (Wells 10, 11, 14, and 15) for a period of four weeks. (Cleath-Harris Letter, October 15, 2015.)

(2) **Drought Pump Testing Confirms More Than Sufficient Water Supply** – Based on 2015 drought pump tests, Cleath-Harris concluded and confirmed that "[t]here is more than sufficient water available to serve the project." (See Cleath-Harris Letter, October 15, 2015.) Three of the four Project wells showed no decline in sustainable well yield under drought conditions. Well 11 showed some decline under drought conditions, but collectively, Project wells have more than sufficient water, even in multi-year drought, to supply the Project.

(3) **County's CEQA Consultant Agrees Water Supply Is Adequate And Will Last** – At the February 11, 2016 Planning Commission hearing, when questioned by Commissioner Harrison regarding the hydro-geologists' conclusions of adequate water supply, the County's CEQA consultant, Shauna Scott, agreed with the water experts that the Project's water supply "is adequate and will last":

> Commissioner Harrison: "…do you think that the hydro-geologist that indicated there was sufficient water there for this project was right or not?"
>
> Ms. Scott: "Yes, I you know, the hydro-geologist, you know, based on the testing that was done on the domestic wells, do show that there is water available for this project."
>
> Commissioner Harrison: "And is it adequate and will it last?"
>
> Ms. Scott: "It is adequate and it will last, you know, especially, based on the extensive mitigation for drought planning, restrictions on residential use, metering, and long-term monitoring for the life of the project."

wells is based on equivalent pumping rates, not the short-term operational pumping rates during the cyclic pumping schedules utilized for Phase 1, 2, and 3 testing. Change in water level in an aquifer in response to pumping is approximately proportional to the log of time; therefore, lines fitted to graphs of elapsed time vs. drawdown of water level data plotted on semi-log graphs are commonly used to analyze aquifer properties. Fitting lines to the entire set of water level data recorded during the Phase 3 testing and projection of these trends is reasonable and consistent with standard practice for analysis of aquifer testing data (Geosyntec, 2013).

The table includes Geosyntec's recommended adjustment of pumping schedule at Well 11 and increased production from Well 15 (relative to the revised rate scaled to the Phase 3 recovery). The resulting total production rate is approximately 62 afy or 39 gpm. This is a 28 percent decrease compared to the sustainable rate initially estimated to determine Phase 3 testing pumping rates, but 135 percent of the allocated project demand of 46.3 afy (29 gpm).

The resulting revised estimate of optimized sustainable yield from the four wells is approximately 62.4 afy, which equates to an average pumping rate of 38.7 gpm (total production for all four wells).

TABLE V.P.-5
Estimates of Sustainable Yields for Domestic Wells 10, 11, 14, and 15

	Well 10	Well 11	Well 14	Well 15	Total	% of Project Demand
1. Estimated Sustainable Yield Based on Phase 1 & 2 Testing (Cleath-Harris Geologists, 2010)						
Afy	10	38	19	20	**87.0**	**188%**
gpm	6.2	23.6	11.8	12.4	53.9	
2. Phase 3 Testing – Production Schedule Duration of 14 Weeks (Cleath-Harris Geologists, 2011)						
Operational Q gpm	44	55	42	44		**191%**
Total Pumped af	2.75	10.30	5.23	5.48	23.8	
Annualized afy	10.2	38.3	19.4	20.4	**88.3**	
Annualized gpm	6.3	23.7	12.0	12.6	54.7	
3.1 Calculated Yield Based on Phase 3 Testing						
Pumping Start-Recovery Dates	9/27/10-2/27/11	*	9/27/10-4/27/11	9/27/10-3/27/11		
Pumping Period (weeks)	14	14	14	14		
Recovery Period (weeks)	8	0	16	12		
Total Weeks	22	14	30	26		
Calculated Yield – afy	6.5	38.3	9.1	11.0	**64.8**	**140%**
Calculated Yield – gpm	4.0	23.7	5.6	6.8	40.2	

	Well 10	Well 11	Well 14	Well 15	Total	% of Project Demand
3.2 Adjustment to Protect Creek Baseflow (No Q from Well 11 Aug-Nov, and 10% increase Dec-June)**						
Afy	6.5	28.1	9.1	15	**58.6**	**127%**
annualized gpm	4.0	26.1***	5.6	9.3	36.3	
3.3 Optimized Conservative Estimated Sustainable Yield (Well 11 as above and increase Q at Well 15 by 25%)**						
afy	6.5	28.1	9.1	18.8	**62.4**	**135%**
annualized gpm	4.0	26.1***	5.6	11.6	38.7	
4.0 Alternate Estimated Sustainable Yield (35% increase at Well 11 Dec-June)**						
afy	6.5	38	10	20	**74.5**	**161%**
annualized gpm	4.0	23.6	6.2	12.4	46.2	
% of Phase 1 & 2 estimates	**65%**	**100%**	**53%**	**100%**	**86%**	
% decrease relative to Phase 1 & 2 estimates	35%	0%	47%	0%	14%	
Allocated Project Demand (Domestic):					**46.3 afy 28.7 gpm**	

Notes
gpm = gallons per minute
af = acre feet
afy = acre feet per year
Q = pumping rate
* No adjustment for Well 11 recovery due to influence by creek.
**For 3.2, 3.3, and 4.0, annualized gpm for Well 11 is actually the average rate for 8 months, but Q for Wells 10, 14, and 15 is average rate for 12 months

Source: Geosyntec, 2011, 2013.

3) Aquifer Properties

Portions of the water level data recorded at Wells 10, 11, 14, and 15 during the testing program were analyzed by Geosyntec to estimate the rate that groundwater flows horizontally through an aquifer (transmissivity). Aquifer type-curves used for analyses included the Theis confined solution, Copper-Jacob approximation of the Theis solution, and the Hantush-Jacob Leaky Aquifer solution (e.g., Kruseman and de Ridder, 1992). Four general methods were used to estimate transmissivity; the aquifer testing analyses are provided in Appendix H.

The methods used for estimating transmissivity and hydraulic conductivity of the aquifers tapped by the wells at the project site are based on the assumption that the aquifers are uniform throughout and in all directions. Generally, fractured bedrock is not uniform and isotropic; however, at a large scale, fractured bedrock aquifers can be reasonably represented by an equivalent homogenous porous media, although a directional bias of hydraulic conductivity is common.

Based on the above analysis of groundwater supply conditions (i.e., CEQA thresholds of significance, which state there is a significant impact if a proposed project does not have sufficient water supplies available to serve the project from existing entitlements and resources), and the applicant's incorporation of water conservation measures identified in the Draft EIR (2008) into the currently proposed project, the proposed water source is adequate to serve the project because the estimated project demand (46.3 afy) is less than the estimated sustainable yield (62.4 afy) for Wells 10, 11, 14, and 15. Existing agricultural wells would continue to serve as a water source for vineyard and orchard irrigation (existing and proposed), and would be supplemented by 37 af of treated effluent from the wastewater treatment facility. Further discussion of the project's effect on surface and groundwater is presented below, including effects to underlying groundwater levels, Los Berros Creek and well interference.

(a) Effects to Groundwater

Continuing general decline of water levels in Wells 10, 14, and 15 during the three phases of pumping indicates that stable equilibrium groundwater conditions were not attained, and continued decline in water levels at three of the four wells during the Phase 3 pumping indicates that the 87 afy sustainable yield estimated by Cleath-Harris Geologists (2010) will not result in full recovery to "the Phase 1 operational static water levels," but will cause additional depletion of groundwater storage. Supplemental information provided by the applicant for agricultural Wells 1, 4, 5, and 9 show downward trends of water level for each well during the testing period, despite the increased rainfall in 2010 and 2011. Declining groundwater levels do not indicate that Phase 3 pumping rates are not sustainable, but rather that the system did not reach equilibrium.

The projections of downward water level trends exhibited during testing and the unknown time to possibly achieve equilibrium pumping conditions underscores that time frame is an important issue with respect to long-term viability of the wells to meet the proposed project demands. Climate change is predicted to result in rainfall occurring in fewer and more intense periods (DWR, 2002), which would likely result in more runoff, perhaps less recharge to groundwater, and possibly long-term decrease in base flow of creeks.

As described in Section 5.c (Sustainable Yield) and quantified by Geosyntec (2011), the revised estimate of sustainable yield from the four wells is approximately 62.4 afy, which equates to an average pumping rate of 38.7 gpm. This sustained yield for the four domestic wells is more than the estimated demand; therefore, the long-term use of these wells at the recommended sustainable rate would not have a significant adverse effect on underlying groundwater in the study area.

The classic "cone of depression" of the water table typically associated with pumping groundwater from an aquifer may not be applicable in a fractured bedrock aquifer because systems of fractures can function as localized isolated aquifers, each of which can have different drawdowns. Based on the available data, groundwater production needed for the proposed project is feasible, but will result in long-term average declines in groundwater levels associated with each proposed domestic well. Additional depletion of groundwater storage is necessary to sustain long-term water production to meet project demands. With continued pumping, equilibrium water levels for each well may be attained in time.

yield is 62.4 afy. Based on implementation of and compliance with water conservation measures and identified mitigation, the potential impact would be less than significant.

Quality of groundwater. As presented above, the existing and proposed groundwater pumping at the project site does not have the potential to increase the threat of salt-water intrusion or subsidence of coastal aquifers. Based on implementation of and compliance with identified mitigation measures, the potential impact would be less than significant.

Quantity or movement of available surface or groundwater. As noted above, operation of proposed domestic Well 11 may have an adverse effect on streamflow within Los Berros Creek. A specific annual sustainable yield and pumping schedule is recommended to avoid reduction in streamflow, particularly during the dry season. Based on implementation of and compliance with identified mitigation measures, the potential impact would be less than significant.

As noted above, implementation of the project would not result in a reduction in available groundwater associated with other on- and offsite wells. The project site is not located within the Santa Maria Groundwater Basin; however, groundwater inflow from the project site comprises approximately four percent of the reported groundwater production budget for the NMMA portion of the Santa Maria Groundwater Basin. The 2011 NMMA report states that although recharge to alluvium along Los Berros Creek may be significant, "any groundwater flow from these [bedrock] formations to the NMMA is likely negligible" (page 12, NMMA, 2011). The recommended pumping schedule for the proposed domestic wells included measures to protect flows within Los Berros Creek. Therefore, implementation of the project would not have a substantial, or significant, adverse impact on the Santa Maria Groundwater Basin or offsite groundwater resources.

WAT Impact 1 **Development of the proposed project would potentially result in a direct, long-term impact to the surface and groundwater quantity if over-pumping or inefficient use of available domestic water resources occurs.**

WAT/mm-1 At the time of application for subdivision improvement plans, the applicant shall prepare a Water Master Plan for approval by the County Department of Planning and Building and Environmental Health Services. The Water Master Plan shall be developed by a County-qualified consultant with experience specific to interior and exterior water usage for each type of approved use (e.g., the residential landscape watering section would be prepared by a landscape architect or contractor familiar with the area's vegetation to provide guidelines for residents covering water conservation techniques, and lists of ornamental drought-tolerant plants that would do well in the native soils, etc.). The program shall address all consumer-controlled water uses (e.g., landscaping, washing, showers, etc.). The program shall identify maximum water use of 0.44 acre feet per year, per lot. Once the program is developed, the plan shall also specify how this information will be disseminated to all future home builders and residents.

a. The Water Master Plan shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum, the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., soil moisture sensors, drip irrigation); (2) residential landscaping shall be limited to 1,500 square feet (maximum), with turf area limited to 300 square feet, and with remaining landscaping being drought-tolerant and having low water requirements (e.g., use of native vegetation, etc.); and (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.

b. The Water Master Plan shall include a Drought Water Management Program, which shall provide guidelines on how all land uses shall be managed during "severe" drought (drought exceeding three years), including landscaping. These measures would go into effect during periods of "severe" drought. This plan shall include, but is not necessarily limited to:
   1. The definition of a "severe" drought year (as defined by National Oceanic and Atmospheric Administration's Palmer Drought Severity method or other similarly recognized methodology);
   2. Identification of general measures available to reduce indoor water usage for future development;
   3. Identification of specific measures to be applied for landscape watering;
   4. Determination of appropriate early triggers to determine when "severe" drought conditions exist and process for initiating additional water conservation measures for tract and future development; and,
   5. Proposed drought-management policies shall not include a "reduction or periodic cessation of agricultural irrigation" in order to provide additional water for domestic purposes.; and,
   6. The Program shall include a provision to import and provide supplemental water to developed residential lots following implementation of water restrictions and conservation measures.

   Once it is determined that a "severe" drought condition exists, restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the County that the "severe" drought condition no longer exists.

c. The Water Master Plan shall include provisions that operations of the domestic water system would be monitored in accordance with all applicable standards and regulations using a certified operator(s) to oversee well pumping, storage, distribution, maintenance of the system, and overall water quality in accordance with all State and County requirements. The Water Master Plan shall delineate all domestic wells, pump stations, water tanks, and pipelines, and include

a schedule and maximum production rate for each well by month. The Water Master Plan shall incorporate the following restrictions:

1. Use of Well 11 shall be prohibited during the months of August through November.
2. Maximum yield for Well 10 shall not exceed 6.5 afy.
3. Maximum yield for Well 11 (during the months of December through July) shall not exceed 28.1 afy.
4. Maximum yield for Well 14 shall not exceed 9.1 afy.
5. Maximum yield for Well 15 shall not exceed 18.8 afy.
6. Total maximum yield (including Wells 10, 11, 14, and 15) shall not exceed 62.4 afy.

d. The Water Master Plan shall be administered by the Mutual Water Company and enforced by the Homeowners Association.

Prior to issuance of any construction permit for Phase Two, the Mutual Water Company and Homeowners Association shall demonstrate compliance with the Master Water Plan. In the event the Mutual Water Company and Homeowners Association are out of compliance at any time for Phase One, they shall demonstrate compliance for a minimum of one year prior to issuance of any construction permit for Phase Two.

Prior to issuance of any construction permit for Phase Three, the Mutual Water Company and Homeowners Association shall demonstrate compliance with the Master Water Plan. In the event the Mutual Water Company and Homeowners Association are out of compliance at any time for Phase Two, they shall demonstrate compliance for a minimum of one year prior to issuance of any construction permit for Phase Three.

The Mutual Water Company shall prepare an annual report documenting (at a minimum): water use per residence and for the ranch headquarters; pumping rates for Wells 10, 11, 14, and 15; quantity and rate of tertiary treated water disposal; water loss summary; maintenance activities and corrective actions; and compliance with the conditions of the Water Master Plan. The annual report shall be stamped by a Registered Engineer. The Homeowners Association shall submit the annual report to the County Public Health Services and County Planning and Building Department, and the approved Water Master Plan and annual report shall available for review at the ranch headquarters. For the life of all phases of the project, in the event the Mutual Water Company and Homeowners Association are out of compliance with the Water Master Plan, no additional building permit, operational permit, or business license that requires use of domestic potable water supply will be issued for any lot

within the project until any identified remedial work has been completed.

WAT/mm-2 Prior to approval of subdivision improvement plans, and upon submittal of the Water Master Plan, the applicant shall provide funding for a County-qualified consultant to conduct an independent review of the Water Master Plan. The applicant shall provide a scope of work and cost estimate from the County-qualified consultant, to be reviewed and approved by the County of San Luis Obispo. The County-qualified consultant shall be under contract to the County of San Luis Obispo. Costs of the independent review, and any county administrative fees, shall be paid for by the applicant.

WAT/mm-3 At the time of application for subdivision improvement plans, the applicant shall submit revised plans showing the use of tertiary treated effluent to provide irrigation for common area landscaping in a manner consistent with the Basin Plan. These plans shall be incorporated into the Water Master Plan, including, but not limited to, proposed infrastructure and irrigation application rates and schedules.

WAT/mm-4 At the time of application for subdivision improvement plans (for common areas) and prior to permit issuance (for individual lots), the following measures shall be shown on applicable plans for landscaped and turf areas, consistent with the approved Water Master Plan:

a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;
b. A computerized irrigation controller shall be installed that can estimate cumulative evapo-transpiration losses to establish the most efficient and effective watering regimes;
c. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, Covenants, Conditions and Restrictions [CC&Rs], landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch; and,
d. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.

WAT/mm-5 Prior to issuance of building permits for individual lot development and the homeowners association facility, recreation center, and community center, proposed construction plans shall include indoor water conservation measures identified in the approved Water Master Plan including, but not limited to: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets or installation of high efficiency toilets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen.

For structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1- to 0.5-inch diameter). This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

WAT/mm-6 Prior to issuance of construction permits for individual lot development, the applicant shall submit landscape plans for the proposed parcels that include the following outdoor conservation measures identified in the approved Water Master Plan: limited irrigated landscape area of 1,500 square feet (maximum), turf area limited to 300 square feet, with remaining landscaping being drought-tolerant and having low water requirements (e.g., use of native vegetation), and incorporation of soil moisture sensors, and drip irrigation systems. This measure shall be included on an additional map sheet prior to recordation of the final map and incorporated in the Covenants, Conditions, and Restrictions.

WAT/mm-7 Prior to issuance of construction permits for individual lot development, the applicant shall install stream flow gauges within Los Berros Creek to monitor stream flow. Data shall be reported to the County Department of Public Works on an annual basis to provide long-term streamflow monitoring. Installation of the streamflow gauges shall be conducted consistent with identified Biological Resource mitigation for work within riparian and aquatic habitats, and regulatory permits and authorizations issued by federal and state agencies, including but not limited to the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, NOAA Fisheries, California Department of Fish and Wildlife, Regional Water Quality Control Board.

WAT/mm-8 At the time of application for subdivision improvement plans, plans shall show that water meters shall be installed at all wells providing water to the proposed project (potable and non-potable uses), and for each approved use/building, consistent with the approved Water Master Plan. All common landscaped areas and structures being provided water shall install a water meter. Monthly meter readings shall be taken at all meters and evaluated for possible water loss from pipes. Should a greater than 15 percent loss of delivered water be shown (or loss amount determined appropriate by the County Public Health Services), the leaking pipe(s) within the development shall be identified and replaced within 60 days from when the leak is detected.

Residual Impact The preparation, implementation, and enforcement of a comprehensive Water Master Plan is required to ensure that the use of onsite wells to support the project would not have an adverse effect on ground and

surface waters, including Los Berros Creek. While the project would require additional water use, compliance with restrictive measures related to use and production are recommended for the life of the project to support a conclusion that the proposed water source is sustainable, and would not have a significant adverse effect on water resources and agricultural production (both on- and offsite).

With implementation and enforcement of the above measures, the project's effect on water supply would be considered *less than significant with mitigation, Class II.*

3) Drainage and Flooding

Implementation of the proposed project, including all phases of development, would create additional impervious surfaces including rooftops, paved roads, driveways, and parking areas. Based on the hydrology report submitted by the applicant, and peer reviewed by the EIR consultant, implementation of the project would result in a 2.8 percent increase in net peak runoff during a 100-year storm (RRM Design Group, 2004). Table V.P.-87 below shows the net increase of run-off for 10-year, 25-year, and 100-year storm events.

Based on the hydrology report, increases in flow rates over existing conditions would occur for approximately five minutes during storm events, before dropping to existing peak runoff rates. The report states that the peak increase in project-generated runoff would occur prior to the peak flow rate within Los Berros Creek; therefore, the amount of peak flow-rate increase would not result in a significant increase in offsite runoff rates. However, current regulations state that "post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate" (County of San Luis Obispo, 2011). In addition, the County Public Works Department has identified a concern regarding downstream flooding in the lower reaches of Arroyo Grande Creek during 2-year, 5-year, and 10-year storm events. Potential increases in flood levels within Arroyo Grande Creek as a result of the project would be a significant impact, and mitigation is identified below.

TABLE V.P.-87
Net Peak Runoff Rate

Storm Event	Existing Conditions (cfs)	Proposed Project Conditions (cfs)	Percent Increase
10-year	2,806	2,931	4.4
25-year	3,527	3,662	3.8
100-year	5,424	5,575	2.8

Source: RRM Design Group, 2004

The proposed project's drainage plan includes the use of over-side drains and low-point drainage inlets within roadways to facilitate stormwater flow into existing natural drainages onsite (refer to Figures III-20 through III-26). Culverts would be installed at each proposed drainage

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CHG

October 15, 2015

Mr. Brian Pedrotti
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Subject: 2015 Laetitia Agricultural Cluster Project Water Resources Update

Dear Mr. Pedrotti:

This letter is in response to your September 17 request for additional information regarding water resources for the Laetitia project. The items requested are as follows:

1) *Provide updated records of water levels and production data for the four project wells (Wells 10, 11, 14, and 15).*
2) *Provide updated records of water levels and production data for the vineyard irrigation wells (e.g. Wells 5 and 9).*
3) *Current pump tests with GPM, drawdown, etc., for the project wells.*

Detailed information on the pumping tests has been compiled in the attached Technical Memorandum. A summary of the pumping test information for the project wells and the requested information for the irrigation wells is provided below.

2015 Well Testing Summary

The project wells pumped a total of 12.5 acre-feet of groundwater in 2015 at an annualized pumping rate of 84 acre-feet per year, or 52 gallons per minute (gpm). The annualized rate is the amount of water that would be produced by extending a test pumping schedule for one year, which allows comparison between different testing periods and schedules. Well 15 produced 6.75 acre-feet from late May to early August. Wells 10, 11, 14 and 15 produced 5.75 acre-feet during four weeks in September and October.

Testing at Wells 10, 14, and 15 shows no decline in sustainable well yield under current drought conditions. The aquifers tapped by these wells have remained effectively full over the last four years. Testing at Well 11 shows a decline in well yield under current drought conditions. There is, however, drought buffer production available from Wells 14 and 15, and the combined drought yield for the project wells meets the FEIR sustainable yield of approximately 64 acre-feet per year. Project water demand is 46.3 acre-feet per year, or 29 gpm. There is more than sufficient water available to serve the project.

Tables 1 and 2 present the test results, including a comparison of well performance between the current testing and prior testing periods based on specific capacity. Specific capacity measures the amount of flow (gallons per minute) produced from a well, per foot of water level drawdown, during pumping.

Table 1
Static Water Level and Specific Capacity Comparison

Date	Well 10	Well 11	Well 14	Well 15
	Water Level - Depth to Water (feet)			
Initial level (2005-2006)[1]	71.0	89.7	107.9	203.7
September 2009	88.5	111.7	103.9	203.6
September 2010	128.2	100.0	114.2	212.5
September 2015	76.5	165.6	109.0	217.0[2]
	24-hour Specific Capacity (gpm/foot)			
Initial value (2005-2006)[1]	10.2	7.7	3.8	1.7
September 2009	10.2	7.8	3.7	2.4
September 2010	13.7[3]	9.9	3.9	2.2
September 2015	10.5	2.7	3.9	2.4
2015 Well Performance	Stable	Lower	Stable	Stable

[1]Initial dates: Well 10 - Jan 2006; Well 11 - Jul 2005; Well 14 - Jun 2006; Well 15 - Jul 2006
[2]May 2015 static water level was 209.0 ft depth prior to summer pumping.
[3]Specific capacity higher due to residual recovery from Phase 2

Table 2
Annualized Pumping Rate Comparison

Date	Well 10	Well 11	Well 14	Well 15	TOTAL
	Annualized Pumping Rate (Acre-feet per Year)				
2010 Phase 3	10.2	38.3	19.4	20.4	88.3
2015 Testing[1]	10.2	26.9	18.5	28.6[2]	84.2

[1]Fall 2015 average pump discharge rates:
Well 10 = 44 gpm
Well 11 = 30 gpm
Well 14 = 41 gpm
Well 15 = 42 gpm
[2]Well 15 pumped at annualized rates of 32 AFY in the summer and 19.4 AFY in the fall.

Table 3 below presents a comparison between the FEIR sustainable yield and the drought yield, *with the available drought buffer production* based on 2015 testing.

Table 3
Sustainable Yield Review

	Well 10	Well 11	Well 14	Well 15	TOTAL
	Acre-feet Per Year				
FEIR Sustainable Yield	6.5	28.1	9.1	18.8	62.4
2015 Drought Yield *with buffer*	6.5	14.4	19	32	71.9
Difference in supply during drought	0	-13.7	+9.9	+13.2	+9.5
2015 Testing Conclusions	Confirms sustainable yield	Lower sustainable yield	Confirms sustainable yield+[1]	Confirms sustainable yield+[1]	Confirms sustainable yield
Project Demand					46.3

[1]Drought buffer production available at Wells 14 and 15.

Combined, the drought buffer at Wells 14 and 15 can make up the loss in drought yield at Well 11, and there is no decline in the sustainable yield of the project water supply. Well 11 has sufficient capacity during non-drought years to provide Wells 14 and 15 adequate resting periods for reservoir storage recovery.

Irrigation Well Update

The vineyard has been using Wells 1, 4, and 9 for irrigation over the last six years. Well 5 has been inactive since 2009 due to casing failure. The current-year production quantities for each irrigation well, along with 2015 water levels, are shown in Tables 4 and 5 below:

Table 4
2015 Irrigation Well Production

Year	Well 1	Well 4	Well 9	TOTAL
	Production (Acre-Feet)			
2011	33	94	81	209
2015 January - September	26	74	107	207
2015 production annualized	[35]	[99]	[143]	[276]

NOTE: Well 5 inactive since 2009

Table 5
2015 Irrigation Well Static Water Levels

Date	Well 1	Well 5	Well 9
	Depth to Water (feet)		
January 21, 2015	184	188.68	215.15
April 1, 2015	pumping	184.83	pumping
October 12, 2015	187	209.58	229.92

NOTE: unable to measure Well 4 due to obstruction

Respectfully submitted,
CLEATH-HARRIS GEOLOGISTS

Spencer J. Harris, HG 633
Senior Hydrogeologist

attachment

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CHG

Technical Memorandum

Date: October 15, 2015

From: Spencer Harris, HG 633

To: Brian Pedrotti, San Luis Obispo County Planning Department

Subject: 2015 Laetitia Agricultural Project Cluster Well Testing

This memorandum presents the results of production testing performed at project Well 15 during May through August 2015, and at project Wells 10, 11, 14, and 15 during September and October 2015. Summer 2015 testing was initiated by Laetitia at Well 15, and expanded to include the other project wells following the September 10, 2015 Planning Commission hearing. The information was requested by the San Luis Obispo County Planning Department on September 17, 2015.

Summer 2015 Production Testing at Well 15

The first production test was performed at Well 15 from May 26 through August 8, 2015. Well 15 pumped at an average rate of 57 gallons per minute (gpm) for a total of 27 days during the summer, producing 6.75 acre-feet of groundwater. The annualized rate of production was 32 acre-feet per year.

The static water level prior to pumping was 209.0 feet depth. Pumping water levels reached a maximum of 253 feet depth (44 feet of drawdown) during pumping cycles, which typically lasted from 1 to 7 days (averaging 4 days per week). The water level drawdown after 24 hours of continuous pumping at 57 gpm during the cycles was approximately 29 feet, resulting in a one-day specific capacity for Well 15 during of 2.0 gallons per minute per foot of water level drawdown (gpm/ft).

By comparison, the one-day specific capacity of the well when first tested at 150 gpm in July 2006 was 1.7 gpm/ft from a static water level of 203.67 feet depth. The 2015 summer production test at Well 15 was conducted at a rate equivalent to 32 acre-feet per year, with no decline in well performance due to the current exceptional drought condition. Following the initial decline from the static water level to develop a cone of depression in the aquifer, water level fluctuations at Well 15 were trending flat (no net declines) at an annual production rate of 32 acre-feet per year. A water level hydrograph for the summer production test is in Appendix A.

Fall 2015 Production Testing at Project Wells

The second production test involved all four project wells. For performance comparison purposes, the wells were pumped according to the 2010 Phase 3 schedule, except Well 11, which was pumped at a lower rate due to a decline in static water level. The results of each well test are summarized below. Water level hydrographs and production tables are in Appendix A.

Well 10

Well 10 was pumped between September 18 and October 10, 2015. Four weekly cycles of pumping were completed, consisting of the Phase 3 pumping schedule of 1 day on and 6 days off. A total of 0.78 acre-feet of groundwater was produced by the well over 4 days of active pumping at an average rate of 44 gpm. The annualized pumping rate was 10.2 acre-feet per year.

The static water level in September 2015 prior to pumping was 76.5 feet depth. Pumping water levels in October 2015 reached a maximum of 86.5 feet depth (10 feet of total drawdown). Water level drawdown at the end of each one-day pumping cycle was approximately 4.3 feet (a specific capacity of 10.5 gpm/ft at 45 gpm).

By comparison, the one-day specific capacity of the well when first tested at 425 gpm in February 2005 was 10.2 gpm/ft from a static water level of 71.0 feet depth. Water levels during the fall 2015 production test at Well 10, conducted at a rate equivalent to the Phase 3 sustainable yield pumping rate of 10 acre-feet per year, were 50 feet higher than Phase 3 water levels were in fall 2010. Phase 3 had followed a relatively high pumping period (Phase 2 - conducted at an annualized pumping rate of 35 acre-feet per year), and was prior to a major recharge event in 2011.

The overall trend of water level drawdown and recovery during 2015 testing is slightly steeper than the trend during the first four cycles of pumping in Phase 3. This is expected, since Phase 3 was influenced by residual recovery from Phase 2. Well 10 recovery between pumping cycles in 2015 is also incomplete, as expected during drought, but will recover quickly when recharge is available. Water level trends show Well 10 would be able to pump more water in 2015 than during Phase 3 in 2010 (despite a steeper drawdown curve) because of the higher water levels. There has been no decline in Well 10 sustainable yield due to the current exceptional drought condition.

Well 11

Well 11 was pumped between September 16 and October 10, 2015. Three cycles of pumping were completed. The first and third pumping cycles were 3 days on and 4 days off (Phase 3 schedule but at lower pumping rates), while the middle cycle extended over two weeks, with 10 days on and 4 days off. A total of 2.1 acre-feet of groundwater was produced by the well over 16 days of active pumping at an average rate of 30 gpm. The annualized pumping rate was 26.9 acre-feet per year.

The static water level in September 2015 prior to pumping was 165.6 feet depth. Pumping water levels in October 2015 reached a maximum of 220 feet depth (54.5 feet total drawdown). Water level drawdown after 24 hours pumping during the first cycle was approximately 15.6 feet, at an average flow rate of 44 gpm, resulting in a specific capacity of approximately 2.8 gpm/ft. By comparison, the one-day specific capacity of the well when first tested at 190 gpm in July 2005 was 7.7 gpm/ft from a static water level of 89.7 feet depth.

Well 11 taps an aquifer shared by vineyard irrigation Well 9. Well 9 production increased during the current drought period, which lowered water levels at Well 11.

An estimated 14.4 acre-feet of water per year would be available from Well 11 through the current drought period, based on the analysis in Appendix B. The analysis conservatively uses the steepest drawdown slope obtained during fall 2015 testing (the fourth year of drought) to project drawdown from the beginning of the first year of drought.

Well 14

Well 14 was pumped between September 16 and October 9, 2015. Four weekly cycles of pumping were completed, consisting of the Phase 3 pumping schedule of 2 days on and 5 days off. A total of 1.42 acre-feet of groundwater was produced by the well over 8 days of active pumping at an average rate of 41 gpm. The annualized pumping rate was 18.5 acre-feet per year.

The static water level in September 2015 prior to pumping was 109.0 feet depth. Pumping water levels in October 2015 reached a maximum of 134.6 feet depth (25.6 feet total drawdown). Water level drawdown after 24 hours pumping at 41 gpm during each cycle was approximately 10.6 feet, resulting in a specific capacity of approximately 3.9 gpm/ft.

By comparison, the one-day specific capacity of the well when first tested at 230 gpm in February 2005 was 3.8 gpm/ft from a static level of 107.9 feet depth. Water levels during

the 2015 fall production test at Well 14, conducted at a rate equivalent to the Phase 3 sustainable yield pumping rate of 19 acre-feet per year, were 5 feet higher than Phase 3 water levels were in fall 2010. There were no significant differences between drawdown and recovery fluctuations in fall 2015 compared to fall 2010. The recovery between pumping cycles was increasing over time at Well 14, and trends analysis indicates the well would be able to maintain the Phase 3 pumping rate of 19 acre-feet per year during the current drought, which is 10 acre-feet per year more than the FEIR sustainable yield. There has been no decline in Well 14 sustainable yield due to the current drought condition.

Well 15

Well 15 was pumped between September 16 and October 9, 2015. Four weekly cycles of pumping were completed, consisting of the Phase 3 pumping schedule of 2 days on and 5 days off. A total of 1.48 acre-feet of groundwater was produced by the well over 8 days of active pumping at an average rate of 42 gpm. The annualized pumping rate was 19.4 acre-feet per year.

The static water level in September 2015 prior to pumping was 217 feet depth, which reflected an 8-foot drop since May 2015, when the summer production testing started. Pumping water levels in October 2015 reached a maximum of 242.1 feet depth (25.1 feet total drawdown). Water level drawdown after 24 hours pumping at 42 gpm during each cycle was approximately 17.3 feet, resulting in a specific capacity of approximately 2.4 gpm/ft.

Water levels during the fall 2015 production test at Well 15, conducted at a rate equivalent to the 2010 Phase 3 sustainable yield pumping rate of 20 acre-feet per year, were 5 feet lower than the Phase 3 water levels. Trends analysis indicate no significant difference between drawdown and recovery fluctuations in fall 2015 compared to fall 2010. As mentioned previously, water level drawdown and recovery fluctuations at Well 15 were trending flat (no net declines) at an annual production rate of 32 acre-feet per year, which is 13.2 acre-feet per year more than the FEIR sustainable yield. There has been no decline in Well 15 sustainable yield due to the current drought condition.

Discussion

The testing performed at Well 15 this summer and expanded to all four project wells during fall 2015 provides information during the fourth year of what has been classified as exceptional drought (the highest impact level) by the U.S. Drought Monitor, a partnership of federal agencies. Two criteria have been evaluated during testing: well

performance based on specific yield (the gpm and drawdown), and the reliability of the project water supply based on sustainable yield.

Well Performance Review

Table 1 is a comparison of well performance based on specific capacity. Specific capacity measures the amount of flow (gallons per minute) produced from a well, per foot of water level drawdown, during pumping. Water levels and specific capacity are provided for fall 2015 and from three historical periods: the original testing (2005-2006), September 2009, and September 2010.

Table 1
Static Water Level and Specific Capacity Comparison

Date	Well 10	Well 11	Well 14	Well 15
	Depth to Water (feet)			
Initial level (2005-2006)[1]	71.0	89.7	107.9	203.7
September 2009	88.5	111.7	103.9	203.6
September 2010	128.2	100.0	114.2	212.5
September 2015	76.5	165.6	109.0	217.0[2]
	24-hour Specific Capacity (gpm/foot)			
Initial value (2005-2006)[1]	10.2	7.7	3.8	1.7
September 2009	10.2	7.8	3.7	2.4
September 2010	13.7[3]	9.9	3.9	2.2
September 2015	10.5	2.7	3.9	2.4
2015 Well Performance	Stable	Lower	Stable	Stable

[1] New well dates: Well 10 - Jan 2006; Well 11 - Jul 2005; Well 14 - Jun 2006; Well 15 - Jul 2006
[2] May 2015 static water level was 209.0 ft depth prior to summer pumping.
[3] Specific capacity higher due to residual recovery from Phase 2

The well testing shows that the performance of project Wells 10, 14, and 15 are not adversely impacted by the current drought conditions, based on water level and specific capacity (gpm and drawdown) comparisons. Well 11 performance, however, has been impacted. The extent to which the drought impact on Well 11 affect the overall reliability of the project water supply is discussed below.

Sustainable Yield Review

The FEIR assigns values of sustainable yield to each project well. When combined, the sustainable yield represents the reliability of the project water supply, and the calculation of sustainable yield transfers from to the individual wells to the collective system.

Well 11 performance has been impacted by a combination of increased production at Well 9 and exceptional drought. The drought yield for Well 11 is estimated at 14.4 acre-feet per year, approximately half of the FEIR sustainable yield. Drought testing, however, has also confirmed that project Wells 14 and 15 would be able to produce more than their FEIR sustainable yield values during this drought period. Combined, the drought buffer at Wells 14 and 15 can make up the loss in drought yield at Well 11, and there is no decline in the combined sustainable yield of the project water supply. Well 11 has sufficient capacity during non-drought years to provide Wells 14 and 15 adequate resting periods for reservoir storage recovery. A comparison between the FEIR sustainable yield and the drought yield, *with the available drought buffer production* based on 2015 testing, is shown below in Table 2.

Table 2
Sustainable Yield Review

	Well 10	**Well 11**	**Well 14**	**Well 15**	**TOTAL**
	Acre-Feet per Year				
FEIR Sustainable Yield	6.5	28.1	9.1	18.8	62.4
2015 Drought Yield *with buffer*	6.5	14.4	19	32	71.9
Difference in supply during drought	0	-13.7	+9.9	+13.2	+9.5
2015 Testing Conclusions	Confirms sustainable yield	Lower sustainable yield	Confirms sustainable yield+[1]	Confirms sustainable yield+[1]	Confirms sustainable yield
Project Demand					46.3

[1]Drought buffer production available at Wells 14 and 15.

Conclusions

2015 testing at Wells 10, 14, and 15 shows no decline in specific capacity or sustainable well yield under exceptional drought conditions. There is also drought buffer capacity (through greater reservoir storage utilization) at Wells 14 and 15.

Testing at Well 11 shows a decline in specific capacity and sustainable yield under exceptional drought conditions. The reasons for the decline is interpreted to be due to increased production at vineyard irrigation Well 9, combined with exceptional drought conditions. Since Wells 9 and 11 are in the same aquifer, Well 11 was naturally subject to greater declines due to the increased pumping by Well 9. Vineyard Well 5, which has been out-of-service since 2009, does not pump from the same aquifer as Wells 9 and 11. Repair or replacement of vineyard irrigation Well 5 would allow a reduction in drought period pumping at Well 9 that would reduce associated water level declines at Well 11.

The drought buffer at Wells 14 and 15 (23.1 acre-feet per year) utilizes available reservoir storage and can make up the loss in drought yield at Well 11 (-13.7 AFY), so there is no net decline in the sustainable yield of the project water supply. Well 11 has sufficient capacity during non-drought years to provide Wells 14 and 15 adequate resting periods for reservoir storage recovery. The project water supply has redundancy and is prepared for a situation where a well is adversely impacted or even completely out-of-service (for whatever reason). With the drought buffer, any three project wells have the capability to supply the project water demand while resolving water system operational issues.

Wells 10, 11, 14, and 15 provide a reliable water supply for the project and can maintain the FEIR sustainable yield through an exceptional drought condition.

APPENDIX A

Project Well Production Data
Project Well Level Hydrographs

LAETITIA PRODUCTION RECORDS

DATE/TIME	METER READINGS		PUMPING CYCLES	2015 PRODUCTION			
	Well 10 (x100 gal.)	Well 11 (x100 gal.)		Well 10		Well 11	
				AF (cum.)	AF (incr.)	AF (cum.)	AF (incr.)
9/16/15 10:01		97911	ON	Fall 2015			
9/18/15 11:55	59973		ON				
9/19/15 10:06		99798	OFF			0.58	0.58
9/19/15 11:55	60624		OFF	0.20	0.20		
1/4/00 0:00		99798	ON				
9/25/15 10:01	60624		ON				
9/26/15 10:01	61245		OFF	0.39	0.19		
10/2/15 9:25	61245		ON				
10/3/15 9:07		103699	OFF			1.78	1.20
10/3/15 9:25	61881		OFF	0.59	0.20		
10/7/15 8:40		103699	ON				
10/9/15 9:27	61881		ON				
10/10/15 9:33		104629	OFF			2.06	0.29
10/10/15 9:28	62522		OFF	0.78	0.20		

DATE/TIME	METER READINGS		PUMPING CYCLES	2015 PRODUCTION			
	Well 14 (x100 gal.)	Well 15 (x100 gal.)		Well 14		Well 15	
				AF (cum.)	AF (incr.)	AF (cum.)	AF (incr.)
(summer 2015)		93162	multiple			6.75	6.75
9/16/15 10:20	74073	93162	ON	Fall 2015 Testing			
9/18/15 11:35	75233	94418	OFF	0.36	0.36	0.39	0.39
9/23/15 9:35			ON				
9/25/15 9:35	76357	95628	OFF	0.70	0.34	0.76	0.37
9/30/15 9:00			ON				
10/2/15 9:10	77525	96794	OFF	1.06	0.36	1.11	0.36
10/7/15 9:00			ON				
10/9/15 9:00	78705	98012	OFF	1.42	0.36	1.49	0.37

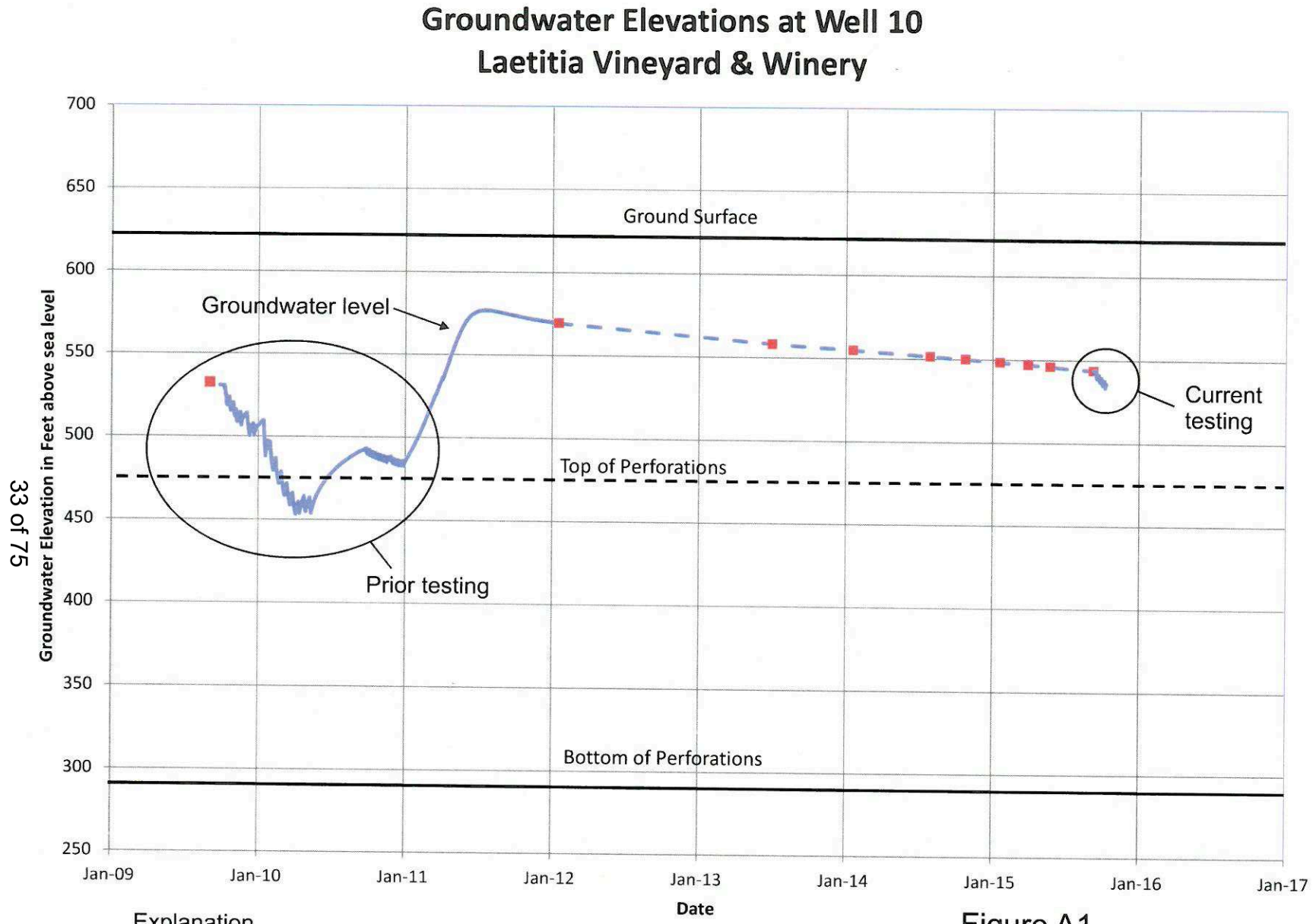
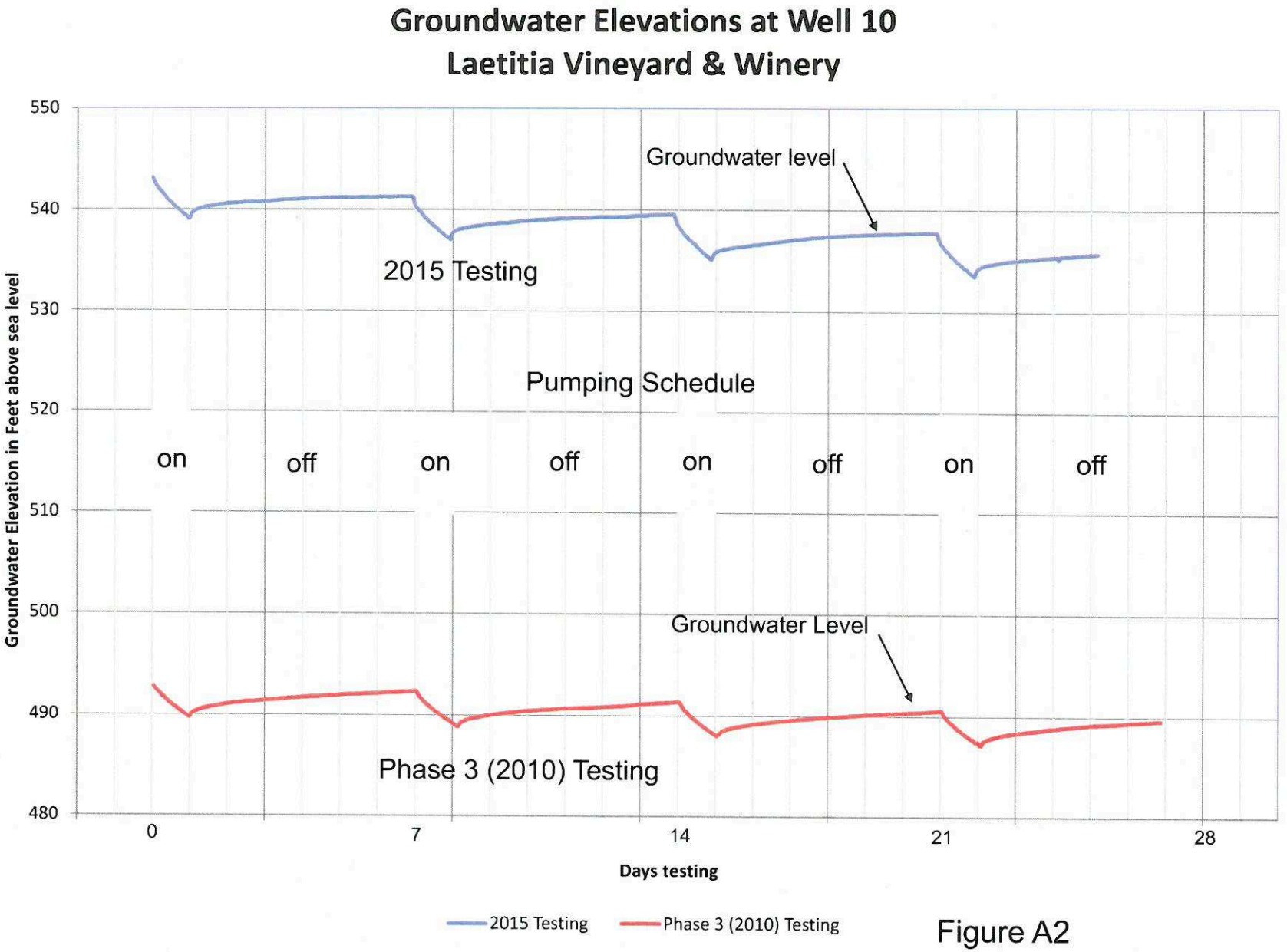


Figure A1
Well 10 Hydrograph
Laetitia Agricultural Cluster

Cleath-Harris Geologists



Pumping Schedule: 1 day on, 6 days off
Pumping Rate: 44 GPM

Figure A2
Well 10 Pumping Comparison
Laetitia Agricultural Cluster

Cleath-Harris Geologists

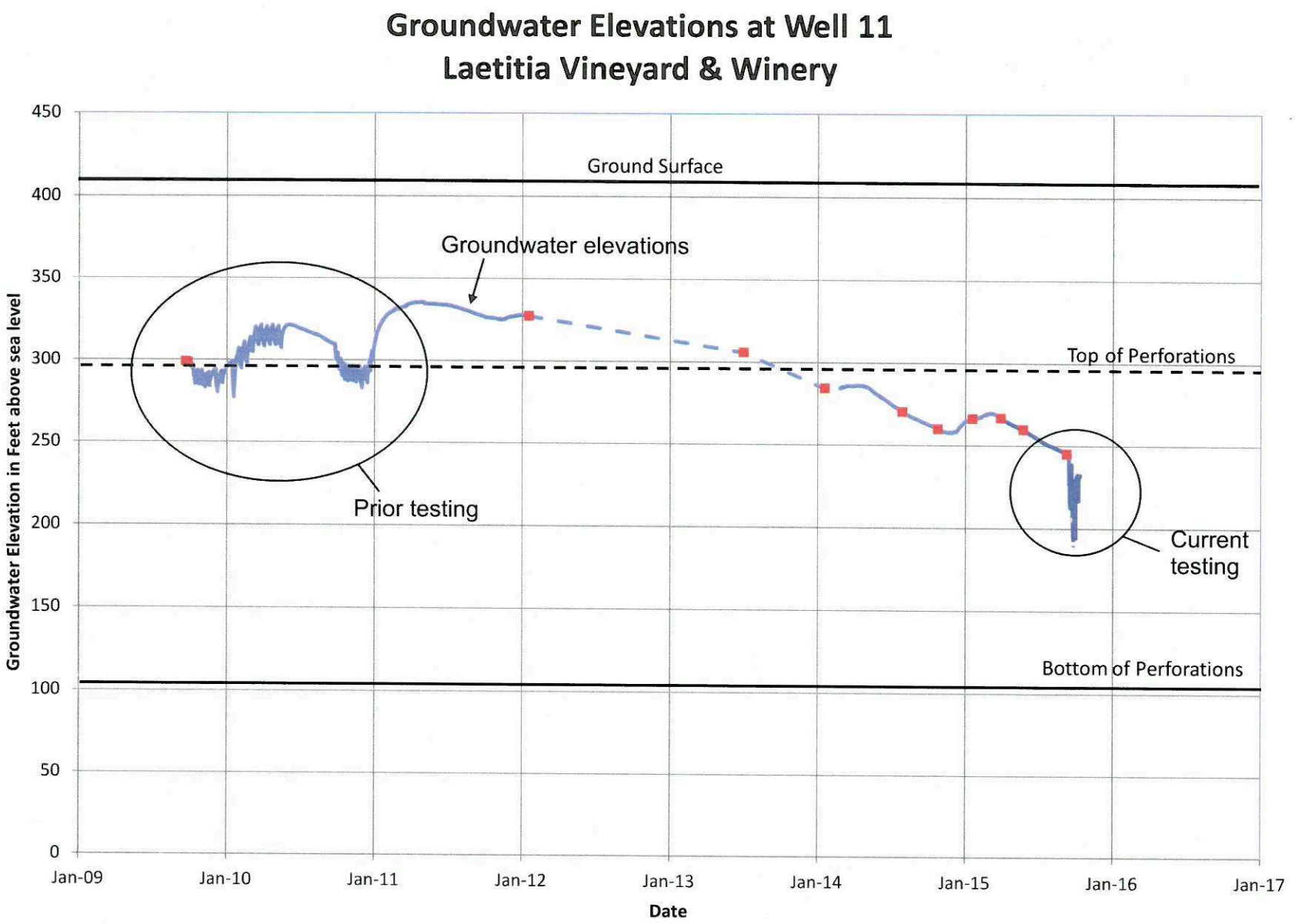


Figure A3
Well 11 Hydrograph
Laetitia Agricultural Cluster

Cleath-Harris Geologists

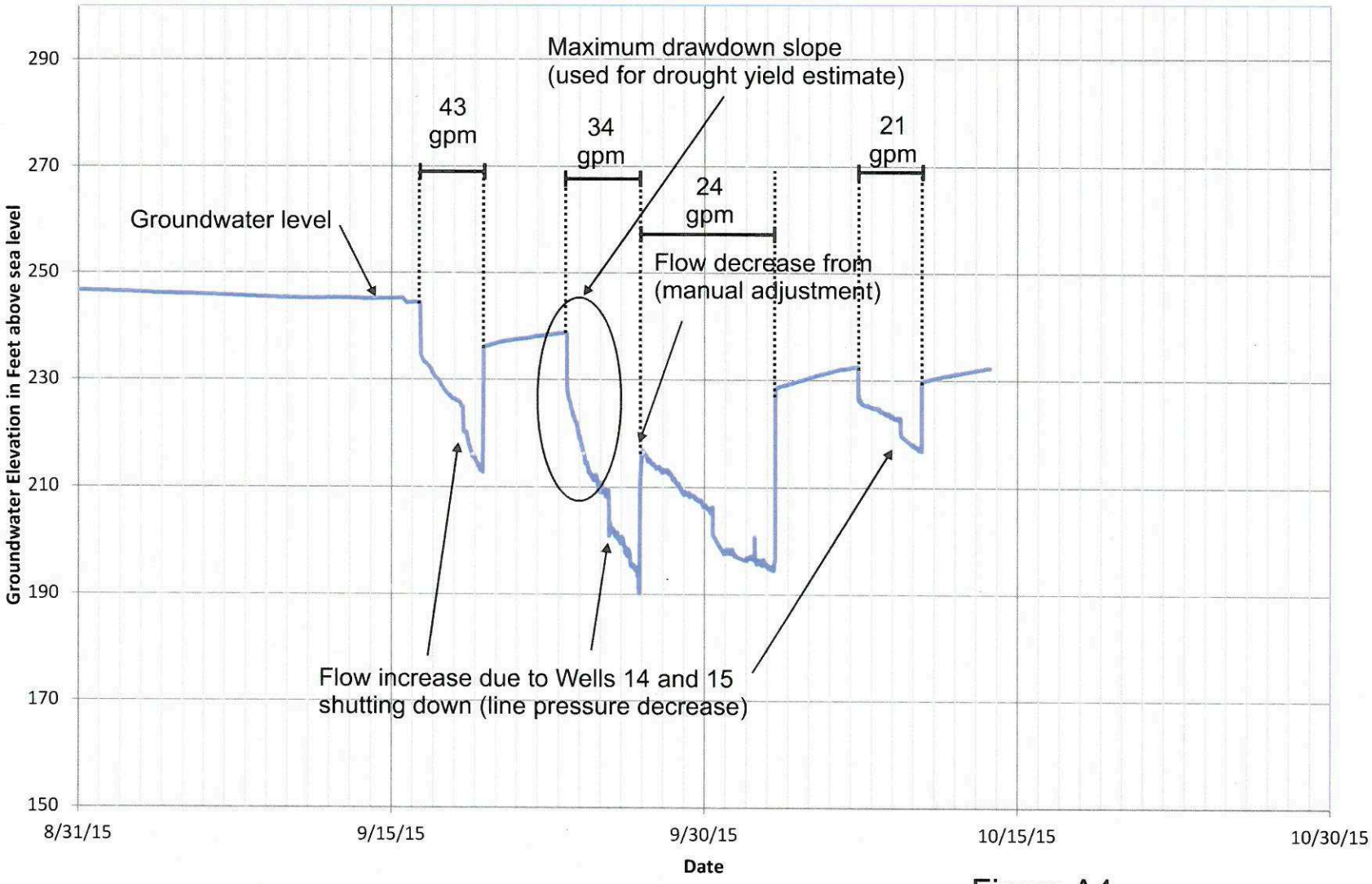
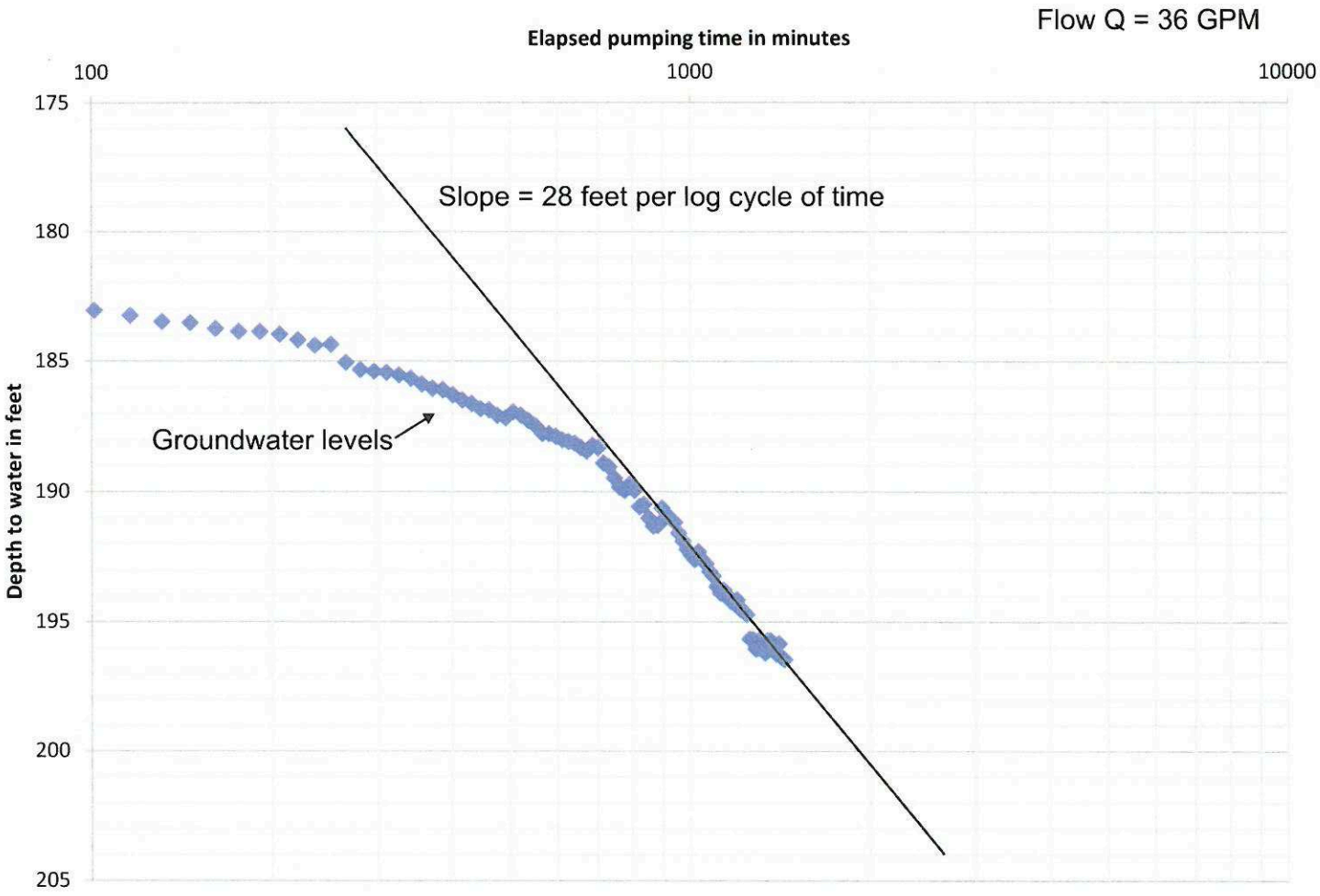


Figure A4
Well 11 2015 Pumping Detail
Laetitia Agricultural Cluster

Cleath-Harris Geologists

Well 11 Water Level Hydrograph
Drawdown Curve - September 23-24, 2015



NOTE: used for drought yield analysis in Appendix B

Figure A5
Well 11 Pumping Test Detail
Laetitia Agricultural Cluster

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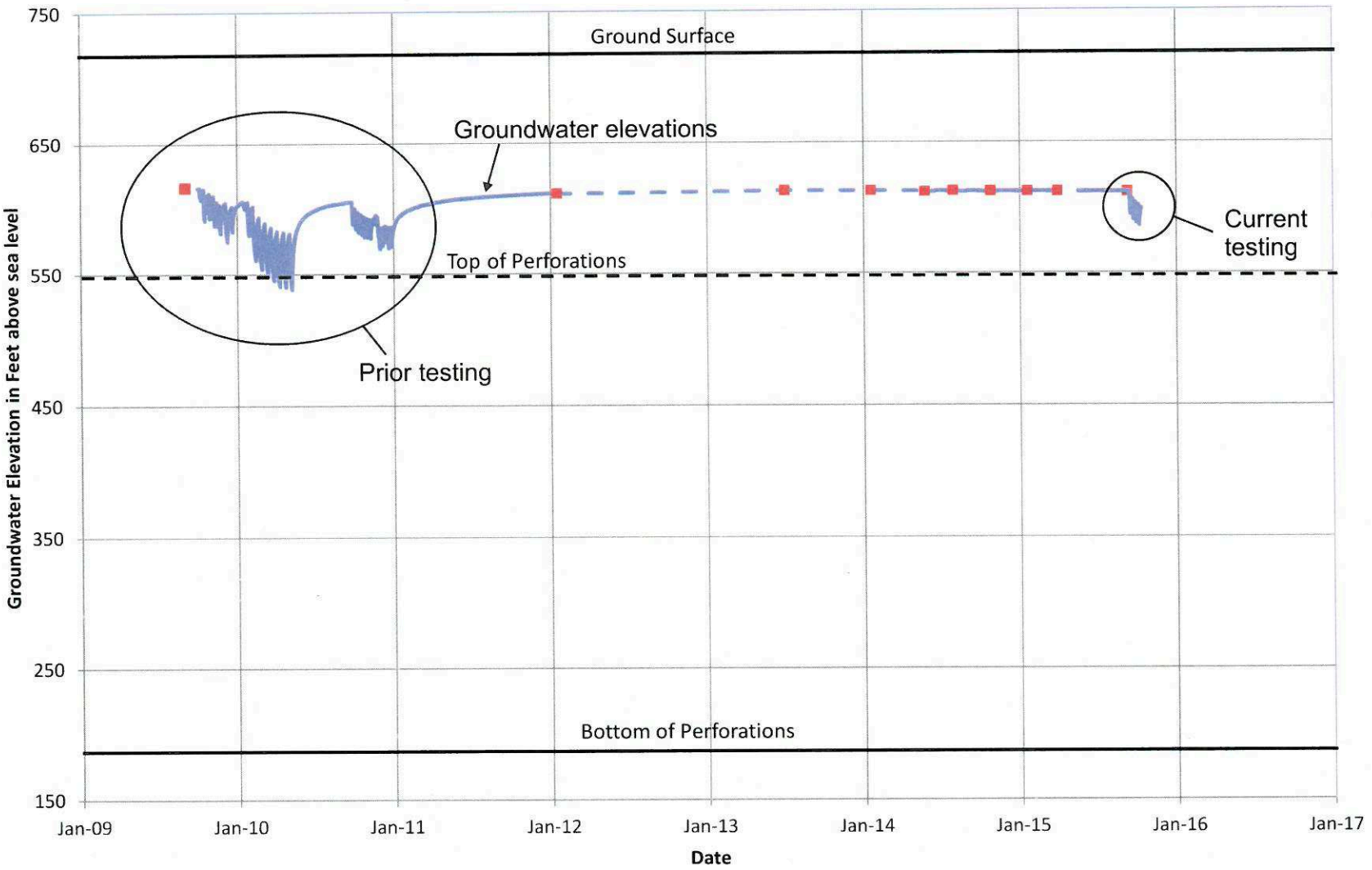
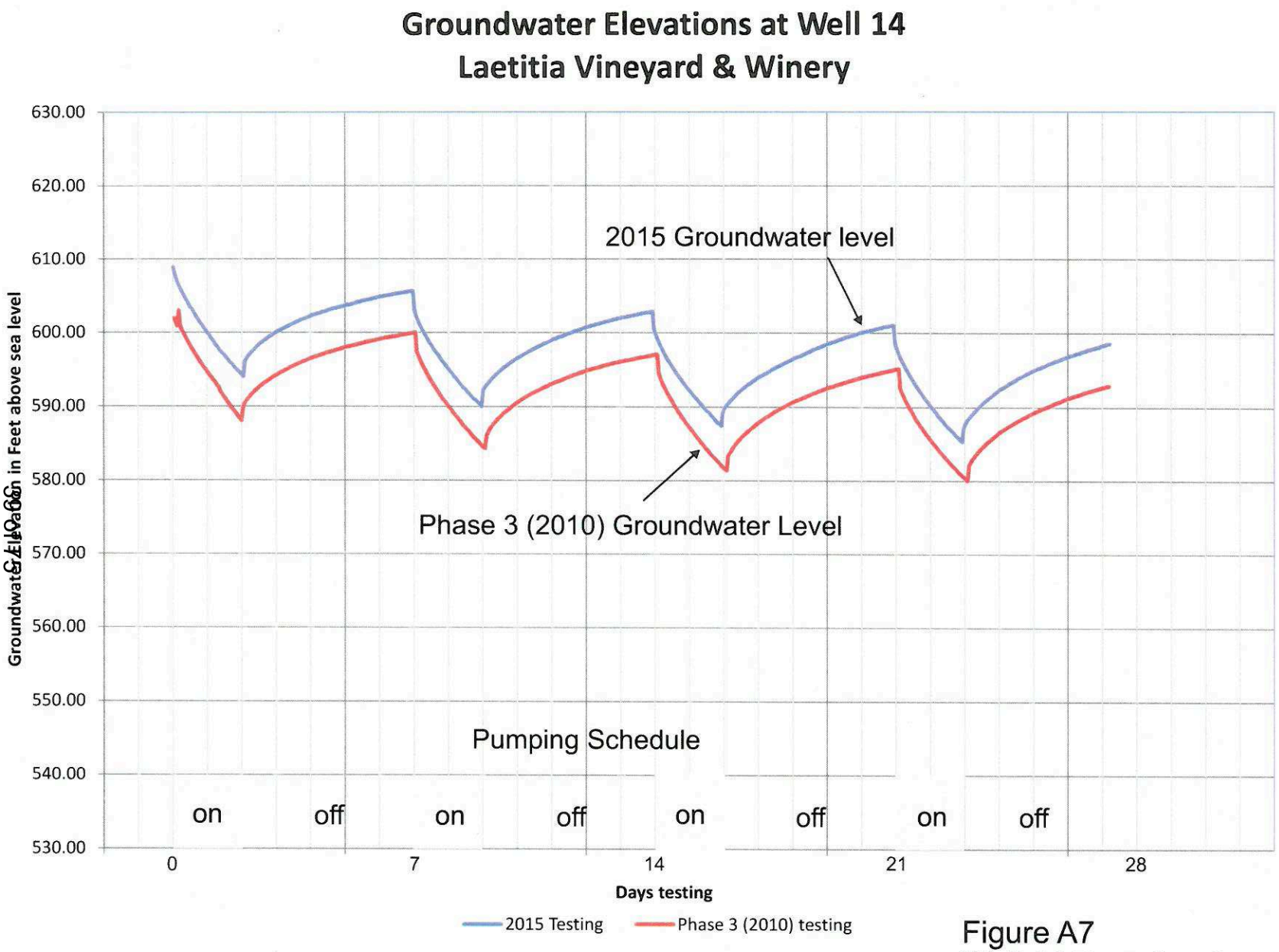


Figure A6
Well 14 Hydrograph
Laetitia Agricultural Cluster

Cleath-Harris Geologists



Pumping Schedule: 2 days on, 5 days off
Pumping Rate: 41 GPM

Figure A7
Well 14 Pumping Comparison
Laetitia Agricultural Cluster

Cleath-Harris Geologists

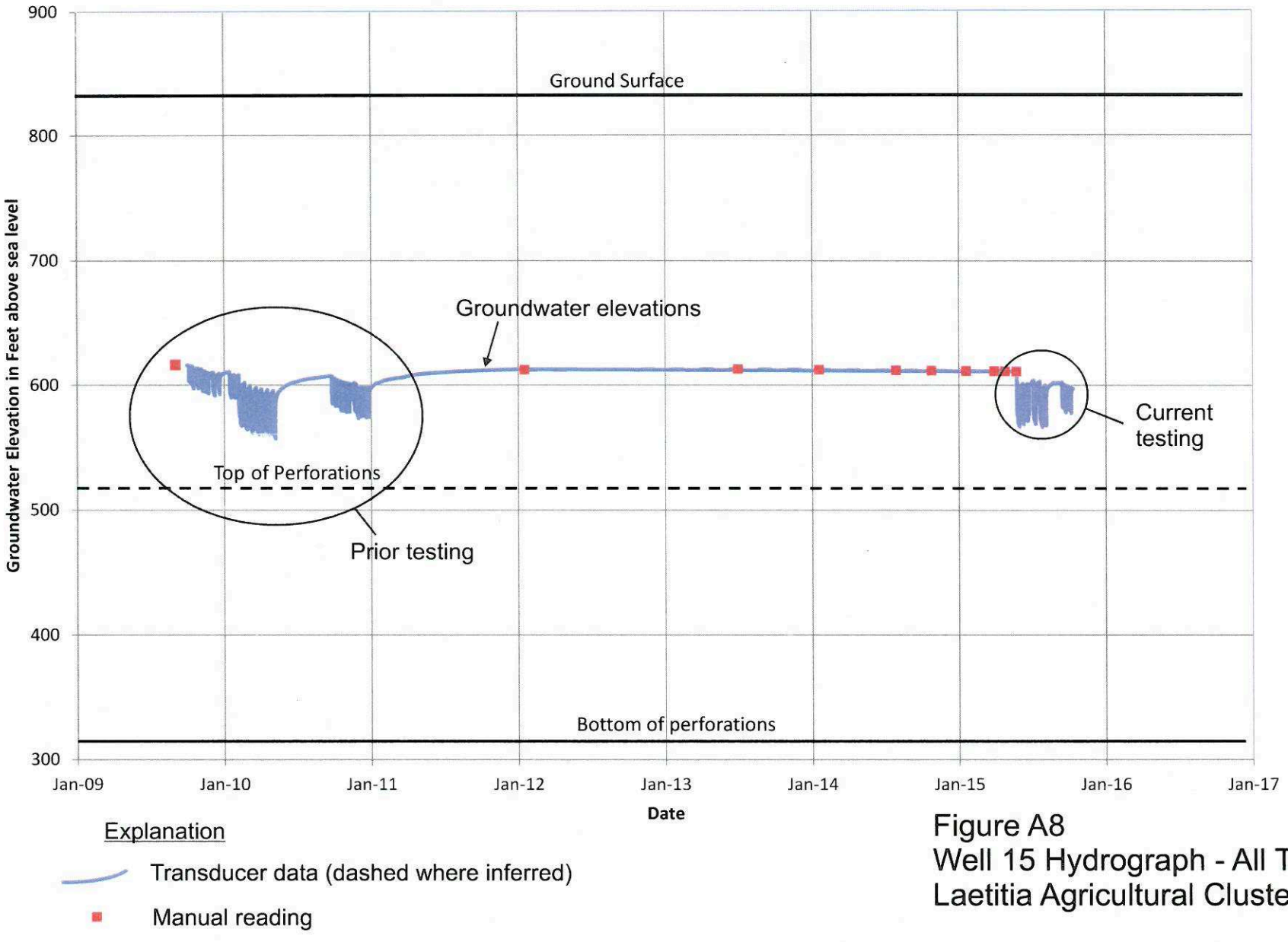
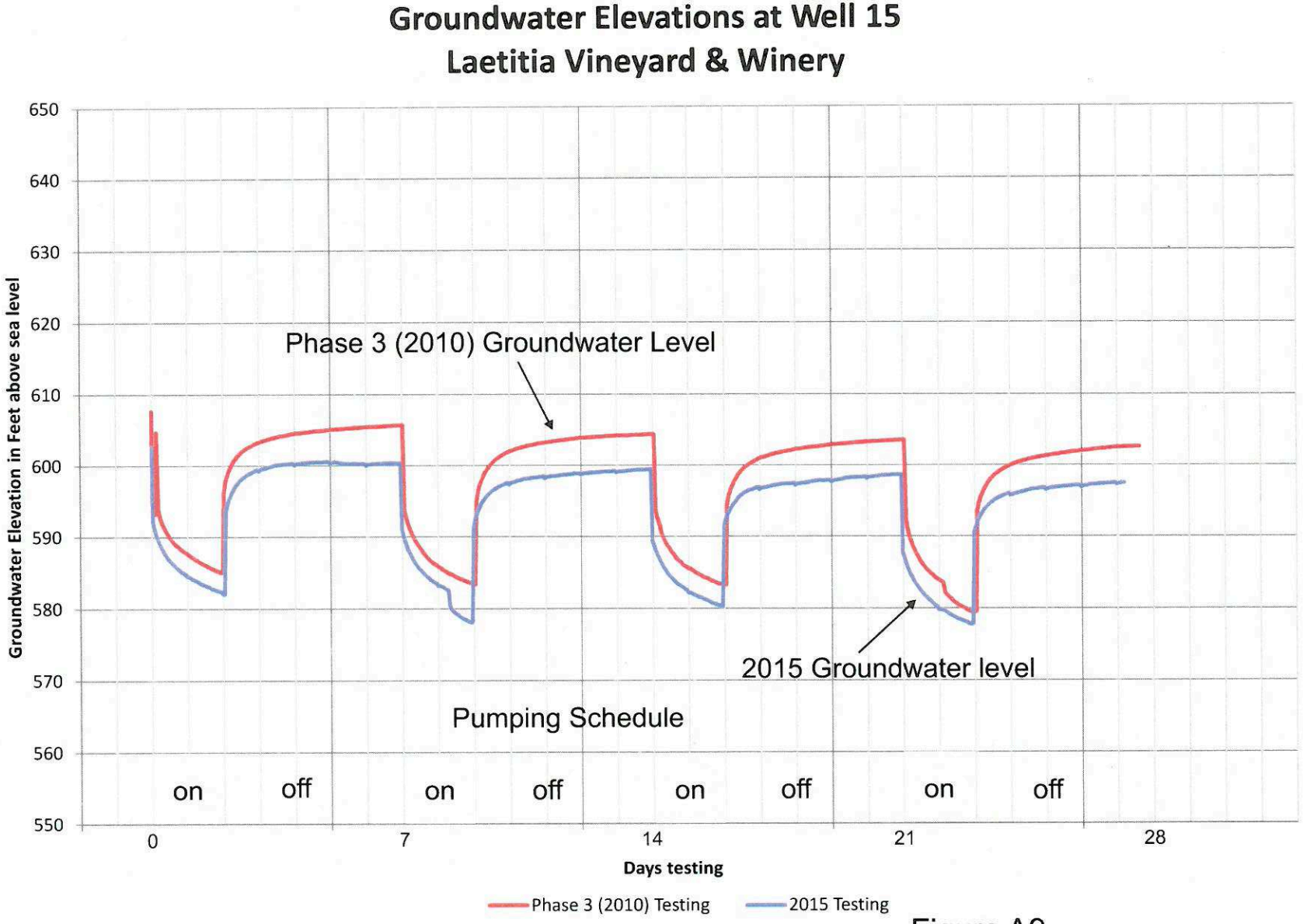


Figure A8
Well 15 Hydrograph - All Testing
Laetitia Agricultural Cluster

Cleath-Harris Geologists



Pumping Schedule: 2 days on, 5 days off
Pumping Rate: 42 GPM

Figure A9
Well 15 Pumping Comparison
Laetitia Agricultural Cluster

Cleath-Harris Geologists

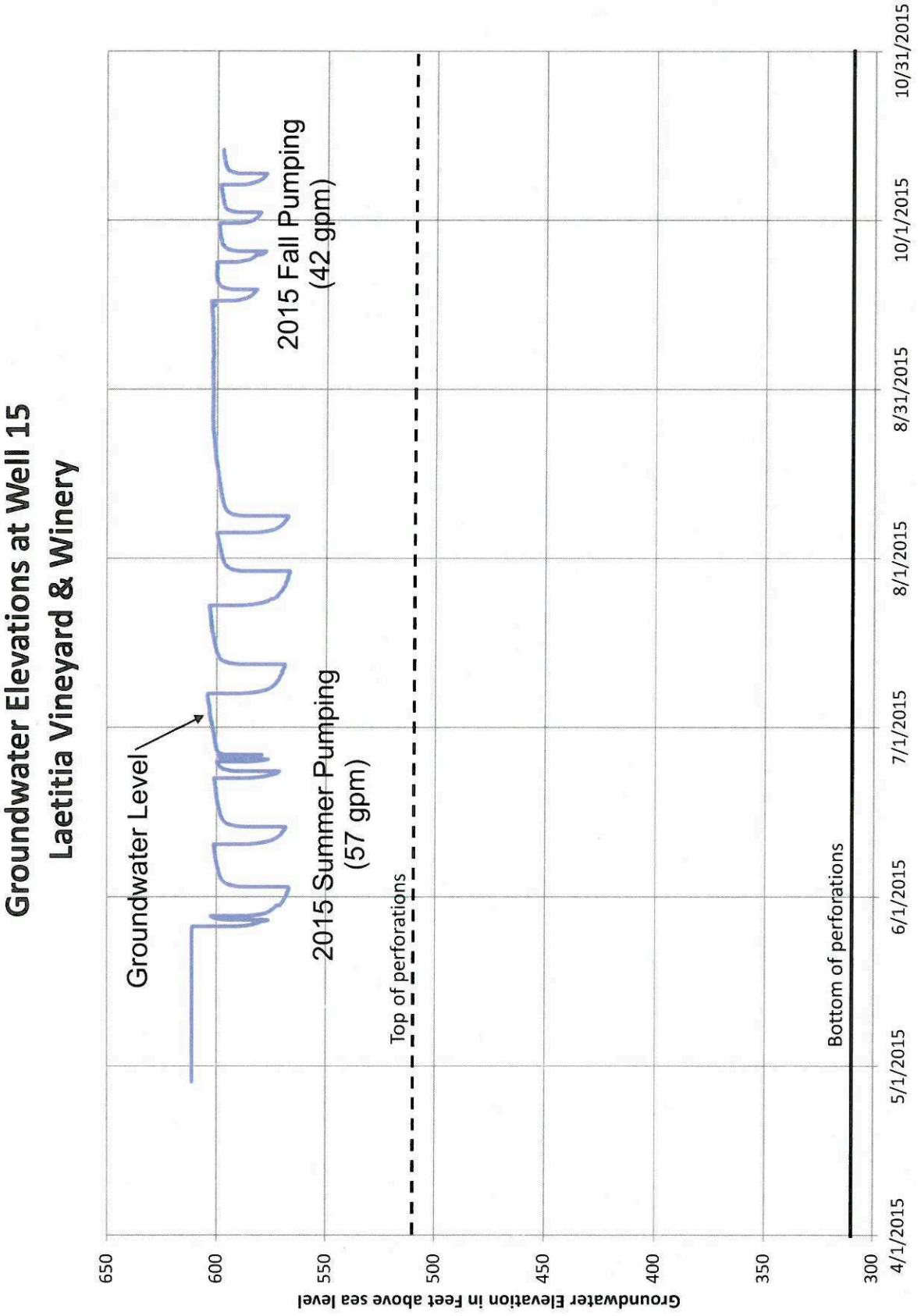


Figure A10
Well 15 Summer Pumping
Laetitia Agricultural Cluster

Cleath-Harris Geologists

APPENDIX B

Well 11 2012-2015 Exceptional Drought Yield Estimate

Well 11 Exceptional Drought Yield Estimate

An estimate of what water supply Well 11 can provide through the current exceptional drought has been based on the following assumptions:

- The drought extends over four years.
- Water level drawdown over time at Well 11 is proportional to the maximum slope observed during the pumping test (first day of the second pumping cycle at 36 gpm), adjusted to account for residual recovery from first pumping cycle. Graph in Appendix A.
- The drought yield corresponds to the amount of water that Well 11 could produce annually over a four year period, without exceeding a maximum pumping water level 190 feet depth (base of upper producing zone).
- Although water levels are relatively high at the onset of drought, the existing decline in water levels at Well 11 during the drought would add to anticipated declines from pumping. Therefore, the available drawdown at Well 11 would be from the static water level on the last day of allowable pumping (160 feet on July 31, 2015) to the maximum pumping water level of 190 feet, which is 30 feet.

Calculations are presented below.

Note: The calculations involve an iterative process, where the drought yield value used below in Steps 2 and 4 to proportion drawdown, produces the same drought yield as the final result in Steps 8 and 9.

1) Drawdown at 1,000 minutes @ 36 gpm: 26.6 feet (from testing)
2) Drawdown at 1,000 minutes @ 9 gpm yield: 26.6 ft x 9 gpm / 36 gpm, = 6.7 ft
3) Maximum available drawdown: 160 ft static - 190 ft maximum pumping level = 30 ft
4) Maximum available drawdown at 1,000 minutes @ 9 gpm: 30 ft - 6.7 ft = 23.3 ft
5) Number of log cycles of time from 1,000 minutes to four years: 3.32 cycles
6) Maximum available drawdown per log cycle: 23.3 ft / 3.32 cycles = 7 ft/cycle
7) Drawdown per log cycle of time @ 36 gpm: 28 feet per log cycle (from testing)
8) GPM producing 7 ft/cycle drawdown: 7 ft/cycle * 36 gpm / 28 ft/cycle = 9 gpm
9) Exceptional drought yield estimate for Well 11: 9 gpm = **14.4 acre-feet per year**

The methodology is based on the Cooper-Jacob approximation of the Theis equation, for which well discharge is proportional to water level drawdown (Driscoll, 1986, Groundwater and Wells). Note that since the drawdown slope used for the calculation is from pumping at the base of the upper aquifer zone, the effects of partial dewatering have been incorporated into the yield estimate.

ATTACHMENT 2

Laetitia Agricultural Cluster Project Topic Paper

Topic: Secondary Access Requirements & Cal Fire

I. Planning Commission Relevant Findings for Denial

Alleged Secondary Access Requirement: "The Original Project and the Applicant Proposed Alternative 2, do not meet the requirements of Public Resources Code 4290 (California Fire Code) because they do not provide unimpeded secondary access for the subdivision."

II. State Law, Record Evidence, and Environmental Impact Report Refute Planning Commission Findings

State law, record evidence and the environmental impact report demonstrate:

A. Appropriate Access Provided Pursuant to State Law and Cal Fire Standards:

(1) **Public Resources Code 4290 Governs Road Standards for Emergency Access Only** - section 4290 directs the Board of Forestry to adopt regulations regarding road standards for fire equipment access to residential construction. The purpose and scope of section 4290 and its implementing regulations is "minimum fire safety standards." Section 4290 does not govern secondary access generally, it only applies to access for fire equipment (i.e. "emergency" access).

(2) **Fire Safe Regulations Govern Emergency Access and Egress Only** – the Fire Safe Regulations that implement section 4290 state that the purpose of the regulations is to "provide for basic emergency access." (14 C.C.R. 1270.01.) The regulations provide that the intent of emergency access and egress requirements is emergency access and evacuation "during a wildfire emergency." (14 C.C.R. 1273.00.)

B. EIR And Record Evidence Show Proposed Secondary Access for Emergency Purposes Is Acceptable:

(1) **EIR Proposes Guarded Gate for Emergency Access** – the EIR analyzed the potential fire hazards of the Project and proposed a guarded gate at Laetitia Vineyard Drive to provide secondary access for emergency purposes. (See EIR V.G.- 11 –V.G.-13.) In particular, mitigation measure HM/mm-2 provides "A 24-hour per day, 7 days per week, 365 days per year guard will be stationed at the access control point on Laetitia Vineyard Drive."

(2) **Guarded Gate for Secondary Access for Emergency Purposes Acceptable to Cal Fire and County Fire Department** –

- Fire Safe regulations and Cal Fire County standards allow for gated secondary access for emergency purposes. (14 C.C.R. 1273.11; Cal Fire County Fire Safe Exhibit 5 and 5A (Gate Requirements).)

- At the August 13, 2015 Planning Commission hearing, Rob Lewin (then fire chief of Cal Fire San Luis Obispo County Fire Department), stated that is was "acceptable" to the fire department to have a guarded gate for secondary access for emergency purposes, as proposed by the Project:

Mr. Lewin: "they have talked to us in the past about staffing the gate. That is acceptable. If there was somebody in a guard shack, if you will, that would be acceptable to the fire department as well."

- At the February 11, 2016 Planning Commission, when questioned by Commissioner Harrison, Travis Craig of Cal Fire confirmed that there are several places in the County that have guarded gates to provide access to a community:

  Commissioner Harrison: "This isn't the only place, if this goes through with a guard, that stays 24 hours in the county, right?"

  Mr. Craig: "Correct we have other -- there's other places in the county that have the gated community type -- heritage lake, for example."

  Commissioner Harrison: "And those gated -- yeah, and those gated communities have worked for more than a single year for many years, and they're still working, correct?"

  Mr. Craig: "Absolutely."

PUBLIC RESOURCES CODE - PRC

DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS [4001 - 4958] *(Division 4 repealed and added by Stats. 1965, Ch. 1144.)*

PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101 - 4789.7] *(Part 2 added by Stats. 1965, Ch. 1144.)*

CHAPTER 2. Hazardous Fire Areas [4251 - 4290] *(Chapter 2 added by Stats. 1965, Ch. 1144.)*

4251. As used in this chapter:

"Hazardous fire area" means any area which is designated as a hazardous fire area by the board or the director pursuant to Section 4252 or 4253.

(Amended by Stats. 1976, Ch. 1300.)

4252. Upon the written petition of the owners or authorized agents of more than 50 percent of the land, including public land, within the exterior boundaries of any area of not less than 10,000 acres in size, upon which a fire hazard exists due to the presence of flammable material or cover, the board may designate such area as a hazardous fire area, and shall declare the period of time during which the area shall be so designated.

(Added by Stats. 1965, Ch. 1144.)

4253. Whenever the director determines that a fire hazard exists in any other area due to the presence of flammable material or cover, he may by regulation designate such area to be a hazardous fire area. The regulation shall declare the period of time during which the area shall be so designated.

(Amended by Stats. 1976, Ch. 1300.)

4254. Notice of the designation of each hazardous fire area designated pursuant to Section 4252 shall be given by the posting of notices at intervals of not greater than one mile along the exterior boundaries of the area or along roads and trails passing through the area.

(Amended by Stats. 1981, Ch. 1073, Sec. 1.)

4255. (a) Except as provided in this section, a person shall not smoke or build a campfire or other open fire within a hazardous fire area.

(b) The board may designate by regulation campgrounds or campsites within hazardous fire areas where smoking and the building of campfires are allowed. However, no campground or campsite shall be designated without the consent of the owner, or his authorized agent, of the land upon which it is located.

(Amended by Stats. 1981, Ch. 1073, Sec. 2.)

4256. Whenever it is necessary in the interest of public peace or safety, the director, with the consent of the owner of any lands designated as a hazardous fire area, may declare such lands closed to entry by any person. Any public highway traversing such a hazardous fire area, shall, however, be excluded from the order of closure, and the closure to entry does not prohibit or curtail the entry or use of the lands by the owner of the lands or his agent, nor the entry by any federal, state or county officer upon the closed area in the performance of his official duties. All state and county law enforcement officers shall enforce the order of closure.

(Added by Stats. 1965, Ch. 1144.)

4257. Any order which is issued pursuant to Section 4256 shall be published twice in at least one newspaper of general circulation in any county that is affected by the order. The publication shall be separated by a period of not less than one week and not more than two weeks. The order shall also be posted in such public places in each

county as the director may direct, and along roads and trails which pass through the areas declared to be closed to camping or entry.

(Added by Stats. 1965, Ch. 1144.)

4258. Whenever the director determines that a fire hazard exists in any area within a state responsibility area due to the presence of flammable material or cover, the director, by regulation, may designate that area as a hazardous fire area for the purpose of prohibiting the use or possession of fireworks therein. The hazardous fire area shall include only those areas that are critical and hazardous due to the threat of wildfire to life, property, and natural resources posed by the fireworks. The hazardous fire area shall not include areas that are the responsibility of a county which is contracting for fire protection to the director.

The regulation may designate areas where specified types of fireworks, not otherwise prohibited, are allowed for industrial, commercial, or agricultural use, for ceremonies, or for emergency signaling.

(Added by Stats. 1981, Ch. 1073, Sec. 3.)

4259. (a) The use or possession of fireworks is prohibited within any hazardous fire area designated pursuant to Section 4252 or 4258. However, the use of fireworks within any hazardous fire area may be allowed, if the use is determined by the director not to present a fire hazard.

(b) Notwithstanding subdivision (a), fireworks may be possessed in a vehicle on any public highway traversing a hazardous fire area when not otherwise prohibited.

(Added by Stats. 1981, Ch. 1073, Sec. 4.)

4260. No regulation adopted pursuant to this article shall prohibit or curtail the complete possession and use of any area by the owner of the area or the owner's agent, except that the use or possession of fireworks shall not be allowed in a hazardous fire area designated pursuant to Section 4258, other than as designated for their use or possession pursuant to that section.

(Added by Stats. 1981, Ch. 1073, Sec. 4.5.)

4290. (a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

(1) Road standards for fire equipment access.

(2) Standards for signs identifying streets, roads, and buildings.

(3) Minimum private water supply reserves for emergency fire use.

(4) Fuel breaks and greenbelts.

(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

(Amended by Stats. 1989, Ch. 60, Sec. 1. Effective June 28, 1989.)

CALIFORNIA BOARD OF FORESTRY AND FIRE PROTECTION

SRA FIRE SAFE REGULATIONS

As of January 1, 2016

California Code of Regulations
Title 14 Natural Resources
Division 1.5 Department of Forestry
Chapter 7 - Fire Protection
Subchapter 2 SRA Fire Safe Regulations
Article 1 | Article 2 | Article 3 | Article 4 | Article 5 | Index

ARTICLE 1. ADMINISTRATION

ARTICLE 2. EMERGENCY ACCESS AND EGRESS

ARTICLE 3. SIGNING AND BUILDING NUMBERING

ARTICLE 4. EMERGENCY WATER STANDARDS

ARTICLE 5. FUEL MODIFICATION STANDARDS

Authority cited
NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.
History
1. New sections filed 5/30/91; operative 5/30/91 pursuant to Government Code section 11346.2(d) (Register 91, No.27)
2. Amendments filed 1-31-2013; operative 4-1-2013 (Register 2013, No. 5)
3. Amendments filed 4-27-2015; operative 1-1-2016 (Register 2015, No. 18)

ARTICLE 1. ADMINISTRATION

1270.00. Title

These regulations shall be known as "SRA Fire Safe Regulations," and shall constitute the basic wildland fire protection standards of the California Board of Forestry.

1270.01. Purpose

These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in SRA. A local jurisdiction may petition the Board for certification pursuant to section 1270.03. Where Board certification has not been granted, these regulations shall become effective September 1, 1991. The future design and construction of structures, subdivisions and developments in State Responsibility Area (SRA) shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles. These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

1270.02. Scope

(a) These regulations shall apply to:
(1) the perimeters and access to all residential, commercial, and industrial building construction within SRA approved after January 1, 1991 except as set forth below in subsection b.);
(2) all tentative and parcel maps or other developments approved after January 1, 1991; and
(3) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) Affected activities include, but are not limited to:

(1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d),
(2) application for a building permit for new construction, not relating to an existing structure,
(3) application for a use permit,
(4) the siting of manufactured homes (manufactured homes are as defined by the National Fire Protection Association, National Fire Code, section 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities, chapter 1, section 1-2, Definitions, page 4, 1987 edition and Health and Safety Code sections 18007, 18008, and 19971).
(5) road construction, including construction of a road that does not currently exist, or extension of an existing road.

(d) EXEMPTION: Roads used solely for agricultural or mining use and roads used solely for the management and harvesting of wood products.

1270.03. Local Ordinances

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction providing such ordinance, rule, regulation or general plan element is equal to or more stringent than these minimum standards. The Board may certify local ordinances as equaling or exceeding these regulations when they provide the same practical effect. The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be re-certified as described in 14 CCR §§ 1270.01 and 1270.03.

1270.04. Provisions for Application of these Regulations

This subchapter shall be applied as follows:

(a) local jurisdictions shall provide the Director with notice of applications for building permits, tentative parcel maps, tentative maps, and use permits for construction or development within SRA.

(b) the Director may review and make fire protection recommendations on applicable construction or development or maps provided by the local jurisdiction.

(c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction of development permit or map.

1270.05. Inspection Authority

(a) Inspection shall be made pursuant to section 1270.06 by:
(1) the Director, or
(2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or
(3) local jurisdictions where these regulations have been incorporated verbatim into that jurisdiction's building permit or subdivision approval process and the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction, or
(4) local jurisdictions where the local ordinances have been certified pursuant to 14 CCR §§ 1270.01 and 1270.03 and the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

(b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.

(c) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.

1270.06. Inspections

The inspection entity listed in 14 CCR 1270.05 may inspect for compliance with these regulations. When inspections are conducted, they should occur prior to: the issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

1270.07. Exceptions to Standards

Upon request by the applicant, exceptions to standards within this subchapter or local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR 1270.05, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

1270.08. Request for Exceptions

Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR 1270.05 by the applicant or the applicant's authorized representative. The request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the exception.

1270.09. Appeals

Where an exception is not granted by the inspection authority, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildland fire protection.

If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

1271.00. Definitions

Accessory building: Any building used as an accessory to residential, commercial, recreational, industrial, or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter 11, Group M, Division 1 Occupancy that requires a building permit.

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use of occupancy that is defined in the California Building Code, 1989 Amendments, Chapter 11, except Group M, Division 1 , Occupancy. For the purposes of this subchapter, building includes mobile homes and manufactured homes, churches, and day care facilities.

CDF: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de- sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an

approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

Development: As defined in Section 66418.1 of the California Government Code.

Director: Director of the Department of Forestry and Fire Protection or his/her designee.

Driveway: A vehicular access that serves no more than two buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings.

Dwelling unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites, that provide mitigation of the problem.

Fire valve: See hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other that fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A roadway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower that the road that serves it.

Hydrant: A valved connection on a water supply/storage system, having at least one 2 1/2 inch outlet, with male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Roads, streets, private lanes: Vehicular access to more than one parcel; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

Roadway: Any surface designed, improved, or ordinarily used for vehicle travel.

Roadway structures: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.

Same Practical Effect: As used in this subchapter means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:
(a) access for emergency wildland fire equipment,
(b) safe civilian evacuation,
(c) signing that avoids delays in emergency equipment response,
(d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
(e) fuel modification sufficient for civilian and fire fighter safety.

State Board of Forestry (SBOF): A nine member board, appointed by the Governor, which is responsible for developing the general forest policy of the state, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the state's interest in federal land in California.

State Responsibility Area (SRA): As defined in the Public Resources Code section 4126-4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in Section 66424 of the Government Code.

Traffic lane: The portion of a roadway that provides a single line of vehicle travel.

Turnaround: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a roadway to allow vehicles to pass.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the roadway.

Wildfire: As defined in Public Resources Code Section 4103 and 4104.

1271.05. Distance Measurements

All specified or referenced distances are measured along the ground, unless otherwise stated.

1272.00. Maintenance of Defensible Space Measures

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continue availability, access, and utilization of the defensible space provided for these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.

ARTICLE 2. EMERGENCY ACCESS AND EGRESS

1273.00. Intent

Road and street networks, whether public or private, unless exempted under section 1270.02(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 1273.00 through 1273.11.

1273.01. Road Width

All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and

striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.

1273.02. Roadway Surface

Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

1273.03. Roadway Grades

The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent.

1273.04. Roadway Radius

(a) No roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.

(b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.

1273.05. Roadway Turnarounds

Turnarounds are required on driveways and dead-end roads. The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the following figure. If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.

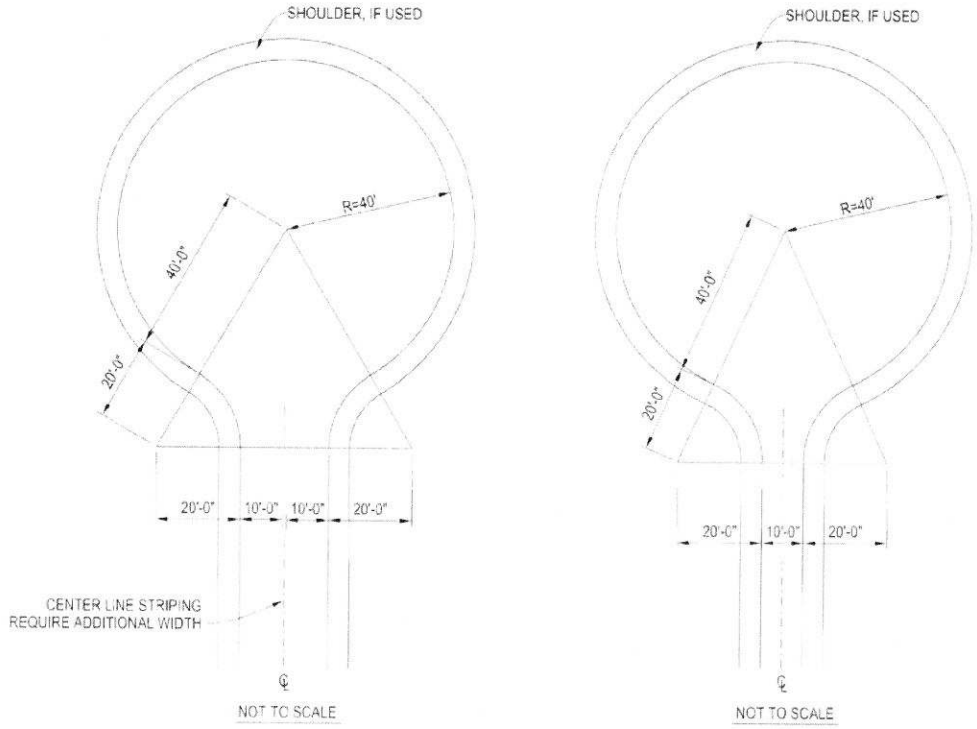


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

1273.06. Roadway Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

1273.07. Roadway Structures

(a) All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35250, 35550, and 35750.

(b) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single lane conditions, shall reflect the capability of each bridge.

(c) Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

1273.08. One-Way Roads

All one-way roads shall be constructed to provide a minimum, not including shoulders, of one twelve (12) foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than ten (10) dwelling units. In no case shall it exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

1273.09. Dead-End Roads

(a) The maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:
parcels zoned for less than one acre – 800 feet
parcels zoned for 1 acre to 4.99 acres – 1320 feet
parcels zoned for 5 acres to 19.99 acres – 2640 feet
parcels zoned for 20 acres or larger – 5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

(b) Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

(c) Each dead-end road shall have a turnaround constructed at its terminus.

1273.10. Driveways

(a) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane and fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

(b) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the

midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(c) A turnaround shall be provided to all building sites on driveways over 300 feet in length, and shall be within fifty (50) feet of the building.

1273.11. Gate Entrance

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

(b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Security gates shall not be installed without approval and where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

(d) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

ARTICLE 3. SIGNING AND BUILDING NUMBERING

1274.00. Intent

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, street, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters of numbers appearing on street signs for other purposes.

1274.01. Size of Letters, Numbers and Symbols for Street and Roads Signs

Size of letters, numbers, and symbols for street and road signs shall be a minimum 4 inch letter height, .5 inch stroke, reflectorized, contrasting with the background color of the sign.

1274.02. Visibility and Legibility of Street and Road Signs

Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.

1274.03. Height of Street and Road Signs

Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.

1274.04. Names and Numbers on Street and Road Signs

Newly constructed or approved public and private roads and streets must be identified by a name or number through a consistent countywide system that provides for sequenced or patterned numbering and/or non-duplicating naming within each county. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

1274.05. Intersecting Roads, Streets and Private Lanes

Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets, and/or private lanes.

1274.06. Signs Identifying Traffic Access Limitations

A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed:

(a) at the intersection preceding the traffic access limitation, and

(b) no more than 100 feet before such traffic access limitation.

1274.07. Installation of Road, Street and Private Lane Signs

Road, street and private lane signs required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

1274.08. Addresses for Buildings

All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

1274.09. Size of Letters, Numbers and Symbols for Addresses

Size of letters, numbers and symbols for addresses shall be a minimum 4 inch letter height, .5 inch stroke, reflectorized, contrasting with the background color of the sign.

Address identification shall be plainly legible and visible from the street or road fronting the property. Addresses shall be Arabic numbers or alphabetical letters. Where access is by means of a private road and the address identification cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the address.

1274.10. Installation, Location and Visibility of Addresses

(a) All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

(b) Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

(c) Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

(d) Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

ARTICLE 4. EMERGENCY WATER STANDARDS

1275.00. Intent

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations, in order to attack a wildfire or defend property from a wildfire.

1275.01. Application

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority. When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.

1275.10. General Standards

Water systems that comply with the below standard or standards meet or exceed the intent of these regulations. Water systems equaling or exceeding the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition, hereby incorporated by reference, and California Fire Code, California Code of Regulations title 24, part 9, shall be accepted as meeting the requirements of this article. Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Where freeze protection is required by local jurisdictions having authority, such protection measures shall be provided.

1275.15. Hydrant/Fire Valve

(a) The hydrant or fire valve shall be eighteen (18) inches above grade, eight (8) feet from flammable vegetation, no closer than four (4) feet nor farther than twelve (12) feet from a roadway, and in a location were fire apparatus using it will not block the roadway.
The hydrant serving any building shall:
(1) be not less than fifty (50) feet nor more than 1/2 mile by road from the building it is to serve, and
(2) be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.

(b) The hydrant head shall be 2 1/2 inch National Hose male thread with cap for pressure and gravity flow systems and 4 1/2 inch draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. They shall have suitable crash protection as required by the local jurisdiction.

1275.20 Signing of Water Sources

Each hydrant/fire valve or access to water shall be identified as follows:
(a) If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(b) If located along a street or road,
(1) a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with the sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway, or
(2) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

ARTICLE 5. FUEL MODIFICATION STANDARDS

1276.00 Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelt shall provide

(1) increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways; and

(2) a point of attack or defense from a wildfire.

1276.01 Setback for Structure Defensible Space

(a) All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road.

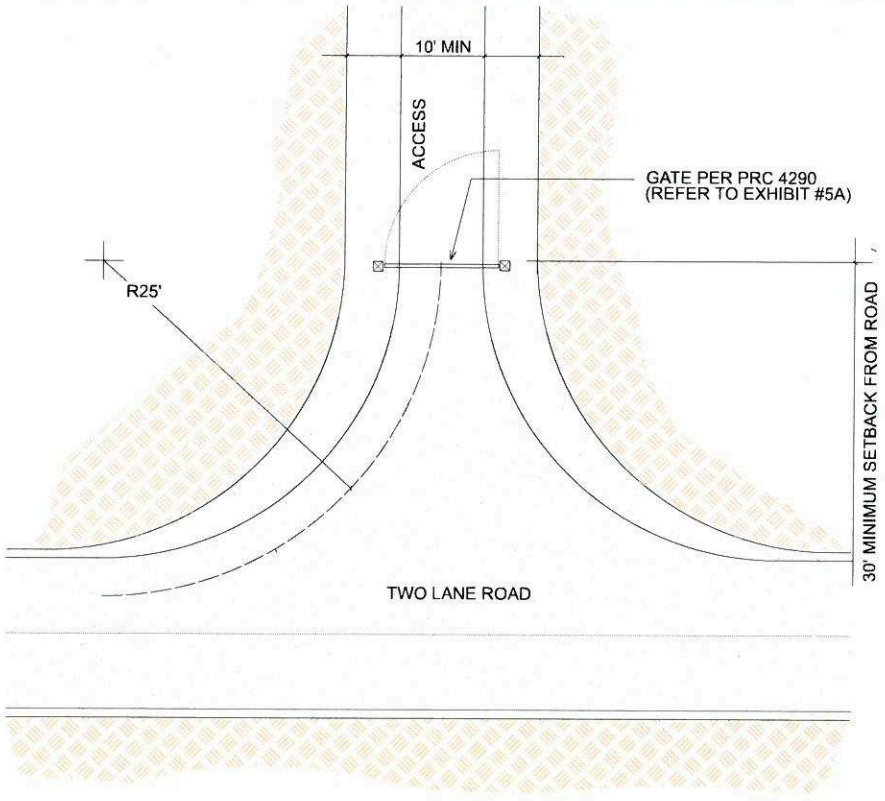
(b) For parcels less than 1 acre, the local jurisdiction shall provide for the same practical effect.

1276.02 Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

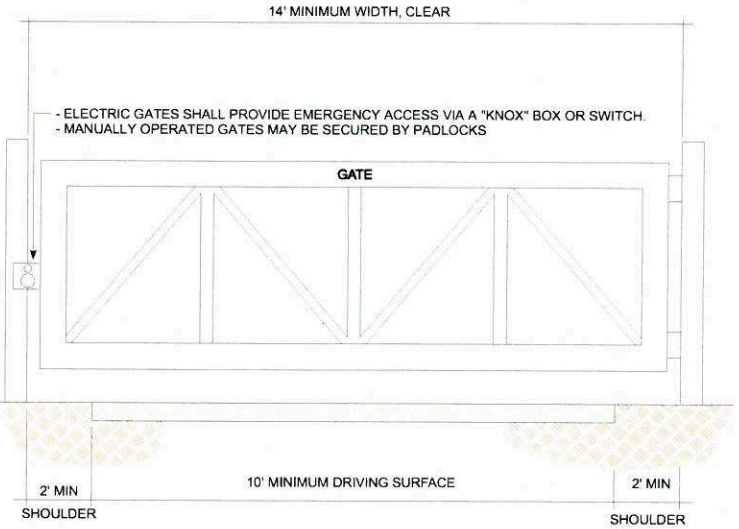
1276.03 Greenbelts

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.



GATED ENTRANCES

- GATE ENTRANCE SHALL BE 2 FEET WIDER THAN WIDTH OF TRAFFIC LANE
- ALL GATES SHALL BE LOCATED AT LEAST 30 FEET FROM THE ROADWAY AND SHALL OPEN TO ALLOW A VEHICLE TO STOP WITHOUT OBSTRUCTING TRAFFIC ON THE PUBLIC ROAD
- LANE TURNING RADIUS TO BE NOT LESS THAN 25 FEET
- PROVIDE FIRE DEPARTMENT ACCESS VIA A "KNOX" BOX OR SWITCH, MUST BE OPERABLE AT ALL TIMES



GATE

NOTE: GATE SHALL BE NO LESS THAN WIDTH OF THE ACCESS ROAD PLUS A 2 FT SHOULDER ON EACH SIDE. ELECTRIC GATES SHALL BE OPERABLE AT ALL TIMES VIA BATTERY OR SOLAR POWER BACKUP.

GATED ENTRANCES	FIRE SAFE EXHIBIT
CAL FIRE/SLO COUNTY FIRE DEPARTMENT *FIRE PREVENTION* *635 N. Santa Rosa Avenue* *San Luis Obispo, California 93405* *Telephone (805) 543-4244 Fax (805) 543-4348*	1/16" = 1'-0" SCALE AUGUST 2011
	5 EXHIBIT NO.

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

EXHIBIT 5A
GATE REQUIREMENTS

Effective January 1, 2014 all gates for residential and commercial use shall meet Section 503.6 of the 2013 California Fire Code requirements for access:

- All gates shall be set back from the road a minimum of 30 feet from the edge of roadway, and shall open to allow a vehicle to stop without obstructing traffic on the public road. Local ordinance, certain conditions or County Public Works may require a greater setback.
- All gates shall be 2 feet wider on each side of the road/driveway.
- All electric gates shall automatically open with no special knowledge upon exiting.
- All electric gates shall have a KNOX switch for emergency fire department access.
- All electric gates shall have an approved means of emergency operation at all times, either through the use of solar power, battery back-up or fail to the open position upon a power outage.
- Security gates and their emergency operation shall be maintained operational at all times.
- Gates designed for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.
- Residential non-electric gates may be secured by a padlock.
- Commercial non-electric gates shall be secured by a KNOX padlock.

The use of a red "Fire Dept Access" box is no longer allowed for either residential or commercial use. CAL FIRE no longer maintains a list of gate codes due to security concerns and the extreme difficulty in maintaining current data. Your request for a Knox switch or padlock must include the address of the location where the product(s) will be installed. Once the order form has been completed, please send it, along with payment directly to the Knox Company.

The KNOX Company will not process CAL FIRE orders without an official KNOX Corporation order form, including an authorized original signature from approved CAL FIRE staff. A signed KNOX form will be sent to you via the U.S. Postal Service and will not be faxed due to security requirements. CAL FIRE orders placed on-line through the Knox website will not be processed.

Once you have received your KNOX gate switch/padlock and it has been installed, please contact the Fire Prevention Office at (805) 543-4244 extension #3429 to schedule an appointment for CAL FIRE staff to test the switch/padlock and ensure that it has been installed correctly.

APPROVED KNOX SWITCH

NEVER APPROVED

NO LONGER APPROVED

3) Wildland Fire Hazards

The project site is located within a high fire hazard area, and is served by CAL FIRE. The closest fire station is located in the community of Nipomo, and estimated response time to the western boundary of the project site is ten minutes (Robert Lewin, 2004). Response time to lots proposed within the eastern portion of the property would exceed ten minutes, and would require access via Upper Los Berros Road or internal roads through the project site. The project site is surrounding by wildland, and proposed structures could be exposed to significant fire hazards. When residential development occurs within or adjacent to an area that has a high wildfire hazard severity, the ability of firefighting forces to combat a fire may be impaired. Specifically, when residences are located in the vicinity of wildfire, typical wildfire fighting techniques, such as the use of backfires, may not be possible. Further, firefighting equipment and personnel may be used for the protection of structures, instead of being used to fight the fire. This results in the need for additional equipment to effectively minimize structural losses and control the fire (County of San Luis Obispo, 1999).

The applicant is required to comply with standard regulations, pursuant to the Uniform Fire Code and CAL FIRE protection standards, including but not limited to access requirements, fire flow, and flammable vegetation clearance. The proposed *Agriculture Management and Buffer Plan* includes a fire protection and public safety plan. Fire prevention planning measures listed in the document include installation of fire sprinklers on all residences and occupied structures, use of flame resistant/non-combustible roof materials, individual lot fire safety plans, and preparation and implementation of a fuel modification plan. Public safety measures include stop signs and gates on Upper Los Berros Road and posted speed limits. The plan also includes basic guidance regarding sharing roads with agricultural traffic and home security measures. The applicant is required to submit a Residential Fire Safety Plan and Fire Safety Plans for the proposed ~~equestrian facility and~~ ranch headquarters.

Based on the proposed project design, primary access would be via Upper Los Berros Road. Pursuant to CAL FIRE regulations, the maximum length of any dead-end road serving the proposed parcels is 1,320 feet. As designed, the proposed project includes two main access roads, and fourteen minor access roads. Primary access would be via Main Road 1, which connects with both Upper Los Berros Road and Laetitia Vineyard Drive. Secondary access is proposed via Laetitia Vineyard Drive, which connects with Highway 101 at an existing at-grade intersection, and currently serves as the entrance driveway to the winery and tasting room facility. The applicant proposes to install a "crash-gate" on Main Road 1/Laetitia Vineyard Drive, northeast of the existing winery. The gate would prohibit eastbound traffic from entering the residential subdivision from Laetitia Vineyard Drive. Based on consultation with CAL FIRE (Rob Lewin, 2007), and as noted above, the gate is required to open automatically to allow immediate exit from the subdivision. The gate is also required to include a battery back-up and KNOX box to allow entrance by CAL FIRE and other emergency vehicles.

Many of the access roads are dead-end roads, or form a loop. Proposed Access Roads A, I, and K within Phase One would exceed the allowable road length of 1,320 feet as measured from Main Road 1, which would be inconsistent with CAL FIRE requirements. Access Road A provides access to Residential Lots 4 through 10, and 16 through 23; this road would be a loop, measuring approximately 1,575 at the mid-point, as measured from Main Road 1. Access Road K extends from Access Road A, and provides access to Residential Lots 11 through 15; this road

ends in a cul-de-sac, and measures approximately 2,800 feet in length from Main Road 1. In order to meet the 1,320 maximum road length requirement, proposed lots located beyond the threshold need to be eliminated, including Lots 9 through 17.

HM Impact 2 **The proposed project is inconsistent with CAL FIRE requirements for maximum road lengths, which may result in a significant fire hazard.**

HM/mm-2 At the time of application for subdivision improvement plans or grading permits, the applicant shall submit an access plan showing secondary access at Laetitia Vineyard Drive. Crash gates shall not be allowed. Proposed gates shall open automatically upon approach. Potential access control measures could include, but not be limited to, a gate controlled by opticom transmitters and detectors, a gate that does not open to allow east-bound ingress of non-emergency vehicles, use of a "KNOX" box to permit emergency vehicle access, and signage. No occupancy shall occur until all improvements are completed. A 24-hour per day, 7 days per week, 365 days per year guard will be stationed at the access control point on Laetitia Vineyard Drive.

HM/mm-3 At the time of application for subdivision improvement plans or grading permits, the applicant shall submit a revised tract map showing the elimination of Lots 9 through 17 or reconstruction of Access Road A to meet CAL FIRE standards.

Secondary Impact Compliance with CAL FIRE requirements would include the use of Laetitia Vineyard Drive for secondary access. The applicant proposes to implement crash gate and install signage to discourage non-emergency use of Laetitia Vineyard Drive for ingress and egress between the residential area and Highway 101. CAL FIRE does not permit the use of a crash gate, and recommends a "no-notice" gate that will open automatically upon approach to allow free-flow egress from the residential area onto Laetitia Vineyard Drive. As discussed in Section V.N. (Transportation and Circulation), the existing at-grade intersection at Laetitia Vineyard Drive and Highway 101 operates at LOS F, and has a documented history of traffic collisions. Based on consultation with Caltrans, the generation of any non-emergency traffic trips at the Highway 101/Laetitia Vineyard Drive intersection would result in a *significant and unavoidable, Class I* impact.

Residual Impact Mitigation measures include recommendations to modify the proposed project design, including elimination of lots that would be located at a distance exceeding CAL FIRE requirements for dead-end roads, and/or redesigning roads to meet CAL FIRE requirements. Implementation of these measures would mitigate potentially significant adverse fire safety impacts; however, the County cannot include design changes to a tentative

map as conditions of approval. Therefore, this impact is considered *significant and unavoidable, Class I.*

b. Future Development

1) Dude Ranch

The proposed future development of the Dude Ranch would include a 75-unit lodging facility, guest service and spa facility, eating facility, classrooms, outdoor fire pit, and barbeque. Due to the increased presence of humans within a high wildfire severity area, and given the activities to occur within the 7.7 acre-Dude Ranch, there would be a significant increased potential for wildland fires. Constraints related to this use include access, emergency response time, and proximity to wildlands and densely vegetated canyons. Proposed access to the dude ranch is inconsistent with CAL FIRE requirements for maximum road lengths (5,280 feet for parcels over 20 acres in size), which may result in a significant fire hazard (refer to HM Impact 2). Upon submittal of a land use application for the dude ranch, the applicant is required to demonstrate compliance with CAL FIRE/PRC regulations.

HM Impact 3 **The future development of the dude ranch would increase the potential for and exposure of guests to wildland fires, resulting in a potentially significant impact.**

HM/mm-4 Upon application for a land use permit for the dude ranch, the applicant shall submit plans demonstrating compliance with the Uniform Fire Code and CAL FIRE requirements, including, but not limited to vegetative fuel management, water storage for fire suppression, and use of non-flammable building materials.

Residual Impact Based on compliance with standard construction and operational standards required by CAL FIRE, potential wildfire impacts associated with the future development of the dude ranch would be considered *less than significant with mitigation, Class II.*

6. Cumulative Impacts

Development identified in the cumulative development scenario would result in the increased use and/or transport of hazardous materials in the area and the potential exposure of an increase population to these materials. Potential hazards and use of hazardous materials are location-specific to the extent that they may result in significant impacts on the localized environment, but they are not "cumulative" in the sense normally applied in CEQA documents. Therefore, the cumulative impacts related to these issues and mitigation measures that have been previously identified for the development project would apply cumulatively as well. CAL FIRE regulations apply to all projects within unincorporated areas of the County. Cumulative development increases the demand for fire protection; this impact is discussed further in Section V.L., Public Services and Utilities.

ATTACHMENT 3

Laetitia Agricultural Cluster Project Topic Paper

Topic: Use of Laetitia Vineyard Drive for Secondary Access Limited to Emergency Use Only & Caltrans

I. Planning Commission Relevant Findings for Denial

The Planning Commission found:

Alleged Safety Risk: "If unimpeded secondary access were allowed at Laetitia Vineyard Drive, for travel directly onto Highway 101 at the existing at-grade driveway, or the proposed guard gate did not operate as intended in perpetuity, the project would contribute additional vehicle trips to an intersection with an accident history greater than the statewide average (0.86 vs 0.76) thus creating an increased safety risk."

Caltrans' Alleged Jurisdiction to Limit Use of Laetitia Vineyard Drive: "According to the California Department of Transportation, which owns and maintains Highway 101 and is responsible for ensuring its safe operation, use of Laetitia Vineyard Drive for unimpeded secondary access is not allowed."

II. Record Evidence and Environmental Impact Report Refute Planning Commission Findings

Record evidence and the environmental impact report demonstrate:

A. No Increased Safety Risk from Emergency Use of Laetitia Vineyard Drive:

(1) **Emergency Use Only** – Project's proposed use of the Laetitia Vineyard Drive is for secondary access, limited to emergency use only. The access will be restricted by a 24/7 guarded gate. Emergency use, by its nature, is speculative and cannot be expected to contribute additional vehicle trips to the Drive's intersection with Highway 101.

- As recognized by Commissioner Topping at the February 11, 2016 Planning Commission hearing, in the event of emergency use of Laetitia Vineyard Drive, there would be emergency vehicles facilitating emergency access or emergency egress. Commissioner Topping stated that in an emergency, "You've got fire engines with lights. You got highway patrol to help stop traffic there."

(2) **Use Promotes Safety** – Project's proposed use of the Laetitia Vineyard Drive is to provide emergency secondary access for residents and emergency vehicles in an emergency. This proposed use promotes safety by providing a shorter route for ingress and egress if there is an emergency. This limited use of the Drive promotes safety by providing an alternative emergency secondary access route.

(3) **Project Limits Use of Laetitia Vineyard Drive** – the Project limits use of Laetitia Vineyard Drive to secondary access for emergency use only, but if the Project is not approved, the 21 existing legal parcels would have unlimited access and use of the Drive. If each of those 21 parcels is further subdivided (with no discretionary permits needed), use of the Drive will be exacerbated. Approval of the Project therefore decreases the potential future use of the Drive.

B. Laetitia Property Has Deeded Right to Unlimited Use of Laetitia Vineyard Drive and Caltrans Does Not Have Jurisdiction Over Project:

(1) **1955 Grant Deed Provides Access** – under a 1955 Grant Deed to the State, the Laetitia property has a reserved property right to unlimited use of the Laetitia Vineyard Drive to access Highway 101. This access right is without encumbrances and is not subject to Caltrans' jurisdiction.

- The record confirms, through statements made by Caltrans representative, Larry Newland, that the Laetitia property has access rights to Highway 101 from Laetitia Vineyard Drive. At the August 13, 2015 Planning Commission hearing, Mr. Newland (Caltrans District 5 Planning Manager), stated: "We have a lot of at-grade driveways [to Highway 101]. Those were grandfathered in back in the 1950s. One of the consultants indicated that's an entitlement they have. They do have access."

(2) **No Caltrans' Jurisdiction** – Caltrans has no legal jurisdiction over this Project.

- This Project is not seeking any approvals or entitlements from Caltrans. Caltrans has no jurisdiction over the proposed use of the Laetitia Vineyard Drive for emergency secondary access.

- Statements made by Caltrans' representative regarding limited use of Laetitia Vineyard Drive are not supported by record evidence. At Feb. 11, 2016 Planning Comm. hearing Adam Fukishima (Caltrans) stated: "The Driveway's not designed for residential use…so that's what we have so many concerns about using this driveway for this type of use, residential use." This statement is incorrect; the Laetitia Vineyard Drive is built for ingress/egress and not limited to any particular type of use.

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"A"

9335

Form RW-6

DISTRICT	COUNTY	ROUTE	SECTION
V	SLO	2	F #112

Sta. 457+30± to Sta. 562+70±

GRANT DEED
(INDIVIDUAL)

We PETER GIUDICI and DOMENICA GIUDICI, husband and wife

GRANT to the STATE OF CALIFORNIA, all that real property in the County of San Luis Obispo, State of California, described as

That part of the South half of the Southeast quarter of Section 26, Township 12 North, Range 35 West, San Bernardino Base and Meridian, in the County of San Luis Obispo, described as follows:

PARCEL ONE

Commencing at the northwesterly terminus of the course described as "S. 38° 23' E., 470.00 feet" in the deed to the State of California, recorded June 22, 1931 in Volume 108 of Official Records at page 359, records of said county; thence, along the above mentioned course, S. 36° 57' 08" E. (bearings based on the grid meridian of the California Coordinate System, Zone 5), a distance of 287.54 feet to the true point of beginning of the parcel of land herein described; thence, (1) along the northeasterly right of way line of the State Highway (60 feet wide) as described in the deed to the State of California, dated November 5, 1917 in Book 123 of Deeds at page 102, records of said county; S. 48° 44' 48" E., 157.23 feet; thence, (2) N. 23° 47' 56" W., 112.04 feet; thence, (3) S. 89° 05' 19" W., 73.00 feet to the true point of beginning.

PARCEL TWO

That part of Government Lot 3 in the above mentioned Section 26, described as follows:

Commencing at the northwesterly terminus of the course described as "S. 50° 49' E., 1500.00 feet" in the first above mentioned deed; thence, along the above mentioned course, S. 49° 26' 43" E. (bearings based on said Zone 5) a distance of 222.97 feet to the true point of beginning; thence, (A) N. 70° 49' 15" E., 36.71 feet; thence, (B) S. 50° 13' 39" E., 20.02 feet; thence, (C) S. 10° 35' 39" W., 36.92 feet to a point on the above

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said course described in the first above mentioned deed; thence, (D) along said course, N. 49° 26' 43" W., 56.97 feet to the true point of beginning.

Containing 0.[illegible] of an acre of land, more or less, as to PARCELS ONE and TWO, described above.

This conveyance is made for the purposes of a freeway and adjacent frontage road and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights appurtenant to grantor's remaining property in and to said freeway, provided however, that such remaining property shall have access to said freeway over the above described course designated, (B) in said PARCEL TWO and also have access to said frontage road over and across the above described course numbered (2) and over the course described as "N. 89° 36' E., 66.49 feet; thence, N. 50° 10' 40" W., 297.57 feet" in the Resolution of Abandonment by the State Highway Commission dated March 24, 1933 and recorded in Volume 134 of Official Records at page 118, records of said county, said frontage road will be connected to the freeway only at such points as may be established by public authority.

Also the underlying fee interest appurtenant to the property of which the above described parcels are a part, in the adjoining public ways.

[illegible]

9335

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for himself, his successors and assigns, hereby waives any claims

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for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

(As used above, the term "grantor" shall include the plural as well as the singular number and the word "himself" and "his" shall include the feminine gender as the case may be.)

Dated this 29th day of April 1955

Signed and delivered in the presence of

* Peter Guggia
Domenica Guggia

ACKNOWLEDGMENT OF GRANTOR

STATE OF CALIFORNIA, County of Santa Barbara, ss.

On this 29th day of April, in the year one thousand nine hundred and fifty-five

before me, Dorothy V. Biasin, A Notary Public in and for said county and State, residing therein, duly commissioned and sworn, personally appeared PETER GUGGIA and DOMENICA GUGGIA,

known to me to be the person S described in and whose name S are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dorothy V. Biasin
Notary Public in and for the County of Santa Barbara, State of California.

My commission expires March 26, 1958.

ACKNOWLEDGMENT OF SUBSCRIBING WITNESS

STATE OF CALIFORNIA, County of, ss.

On this day of, in the year one thousand nine hundred and

before me, A Notary Public in and for said county and State, residing therein, duly commissioned and sworn, personally appeared

known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me duly sworn, deposed and said: that he resides in the County of, State of California that he was present and saw

personally known to him to be the person described in, and who executed the said within instrument as part thereto, then and there the same; that he, the affiant, then and there, at the request of said person, subscribed his name as a witness thereto.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for the County of, State of California.

My commission expires

JUL 29 1955 9335

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Dist.	County	Rte.	Sec.	No.

Station ______

C. O. Schedule No. ______

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

GRANT DEED
(INDIVIDUAL)

TO

STATE OF CALIFORNIA

Recorded at request of ______

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SEC. 27281)

This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Public Works, Division of Highways, hereby accepts for public purposes the real property, or interest therein, conveyed by the within deed and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this JUN 22 1955 day of ______, 19__

FRANK B. DURKEE
Director of Public Works

By Fred C. Moore

District Right of Way Agent and Attorney in Fact

Document No. 9335
RECORDED AT REQUEST OF
SECURITY TITLE INS. COMPANY
AT 21 MIN. PAST ___
VOL 812 Official Records P 25
SAN LUIS OBISPO COUNTY, CALIF.
JUL 22 1955
County Recorder
By ______ Deputy
Fee $ ___ Indexed


PARCEL 2 DOC NO 812 OR 22 ACCESS FOR LAETITIA
Parcel 1 Doc No 812 OR 22 & 134 OR 118 ACCESS TO LAETITIA & ADJOINING PARCELS
20' WIDE ACCESS EASEMENT FROM ROW EAST PER 1566 OR 96
Laetitia Vineyard & Winery
101
Trimble
Google earth